UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/6/Add.2
5 April 1991

ENGLISH
Original: FRENCH

First regular session of 1991

# IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, CULTURAL AND SOCIAL RIGHTS

## Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programme established by Economic and Social Council resolution 1988/4

## Addendum

## ITALY*

[13 November 1990]

CONTENTS

| | | Page |
|---|---|---|
| Introduction | | |
| I. | Economic rights ..... | 3 |
| II. | Social rights ..... | 9 |
| III. | Cultural rights ..... | 22 |
| IV. | Article 15 ..... | 60 |

* The initial reports concerning rights covered by articles 6 to 9 (E/1978/8/Add.34) and articles 10 to 12 (E/1980/6/Add.31 and 36) submitted by the Government of Italy were considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights at its 1982 and 1984 sessions respectively (see E/1982/WG.1/SR.3-4 and E/1984/WG.1/SR.3 and 51).

GE.91-15731/3298B

## INTRODUCTION

1. The second report of the Italian Government concerning rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights was prepared pursuant to Economic and Social Council resolution 1988/4 and the subsequent communication by the Secretary-General of the United Nations, dated 22 December 1988.

2. The report was drafted by the Interministerial Committee of Human Rights, set up by the Ministry of Foreign Affairs, as part of the Committee's institutional activities.

3. It seems worthwhile to underscore the fact that the report updates earlier reports which addressed economic and social rights. The section on cultural rights, however, is broached for the first time, in a systematic manner, with a broad historical overview of the evolution of the education system and various other problems taken up in articles 13 to 15 of the Covenant.

# I. ECONOMIC RIGHTS

## A. Article 2

4. The continuing evolution of a market economy such as that of Italy necessarily involves a series of mechanisms and adjustments by which the labour force and the other social parties agree to moderate their respective demands and to achieve an equitable distribution of the profits resulting from labour and production.

5. Over the years, from the submission of the first report to the present time, this series of mechanisms has amended a part of the regulations described earlier and has made some updating necessary on specific points of general interest.

6. It seems appropriate to begin with a brief introduction retracing the stages in this process. This introduction may be regarded as an expanded version of paragraph 2 of the previous report.

7. The serious imbalances which affected the Italian economy at the beginning of the 1980s, due of course to structural reasons, were accentuated by the combined effects of the oil crises and the emergence of the first consequences of the so-called baby boom, i.e., the net growth in the numbers of the new groups of young people - in addition to the increased participation of women - arriving on the labour market in search of work.

8. In these circumstances, the need to find a viable solution to these problems led the social parties into difficult and laborious negotiations. A policy had to be defined which would cope with growing unemployment and a steadily rising rate of inflation. That could be done only by an agreed redefinition of incomes policy and of regular and special taxation policy.

9. A first major agreement on 22 January 1983 was followed by another (protocol of 14 February 1984), and together they enabled a series of important strategic objectives to be achieved for stabilizing growth and development by reducing inflation rates, according to a pre-planned programme, in only five years, from 13 per cent (1983) to 4.5 per cent (1987). A fundamental element in this process was certainly the holding down of the cost of labour achieved by moderating wage policies and reducing to fairer proportions the degree of coverage wages had been guaranteed until then by means of cost-of-living indexing and adjustment mechanisms.

## B. Article 6

10. Introducing a shared philosophy of give-and-take, the social parties and the Government decided on the conditions that would be suitable for implementing the policies needed for employment as a result of the major trends in the restructuring of industry and the spread of processes of technological innovation.

11. In particular, the Government was able to give a long-term perspective to its own action strategy for promoting new employment opportunities, particularly for young people and women, and for combating unemployment. The

preparation of different "scenarios" consistent with population dynamics and possible rates of growth and development of national wealth enabled the activities and measures deemed necessary for achieving the planned objectives to be determined.

12. They can be summed up as follows: growing and reciprocal adjustment of labour supply and demand through training, qualification and vocational redeployment policy activities; greater flexibility of the labour factor by supporting the emerging requirements resulting from the spread of new technologies; promotion of new employment opportunities in addition to those made possible by the market, particularly to encourage the employment of young people and women.

13. The 10-year plan is organized on the basis of a three-year programming cycle which can be verified annually so that special reports are envisaged for each of the years following that of the adoption of the plan in which provision is made for updating and verifying the initial forecasts.

14. With this in mind, a series of legal measures has been adopted to eliminate some obligations and administrative obstacles in vocational training, to diversify types of labour relations by improving them (on-the-job training contracts, solidarity contracts, fixed-term contracts for sectors previously not authorized, part time contracts), to extend the possibilities of early retirement, to bring the means of maintaining workers' incomes more into line with mobility requirements, and to experiment with new forms of guidance and training activity, particularly in computerization. Other measures more specifically concern the promotion of new employment opportunities both in the context of contract work and in that of independent work, as well as the encouragement of enterprise activities, cooperative activities.

15. Mention should be made, inter alia, of the special plan for the employment of young people registered at employment offices for at least 12 months, reserved for the south of Italy, the encouragement of on-the-job training contracts so that it will be particularly advantageous to recruit young workers; apprenticeship contracts where emphasis has been placed on the attractive elements in both supply and demand, additional jobs for young people with a long history of unemployment in the context of projects for upgrading cultural assets, encouragement to set up new businesses in the south and the promotion of production and labour cooperatives.

16. It is worth stressing how these actions have been assisted by the in-depth legal reform the organizational and functional structure of the system which governs and administers institutional procedures and instruments to control the labour market: the institution of the "observation post" on the labour market which, operating in synergy with similar instruments in existence at the regional level, is able to give a clear picture of manpower flows in or expected in the labour market and the needs taking shape; the institution of new regional structures (employment agencies) to promote new employment opportunities; a more consistent distribution of manpower in the peripheral structures of the Labour Office in terms of the requirements

of local catchment areas; the central, regional and subregional establishment of special employment commissions in the context of which, the social parties are represented equally in the management of employment activities.

17. Collective bargaining activities, and in particular collective conventions at the national, sub-national and enterprise level, in parallel, or better still, in harmony with governmental activity, have contributed and continue to contribute significantly to achieving objectives to promote or maintain employment at the sectoral operational level.

18. It seems relevant and appropriate to recall the concurrence of instruments relating to the industrial relations system in the context of the commitments stemming from the International Covenant on Economic, Social and Cultural Rights. But in the dynamic structure of legislation and negotiations it is not always easy to distinguish and even less easy to delimit their respective roles which, since they are naturally in a state of interaction, may determine mutual synergies or else prove interchangeable or functional with one another. This in turn would create a risk of making any discription of the situation distorted or inadequate by failing to mention the presence of the very important fact of collective bargaining, also taking into consideration the means organized to combat unemployment and improve levels of employment.

19. Purely as an example, further proof of everything just asserted may be seen in the autonomous delimitation of the respective roles of contractual levels, particularly in the phase of wage restraint required in order to implement the incomes policy, by reducing and restructuring working hours and by restricting overtime, despite explicit objectives concerning job promotion and the improvement of working conditions.

20. The first fruits of the agreements of 22 January 1983 and the Protocol of 14 February 1984 were a series of standards intended to rationalize the access of young people to work and to expand their possibilities of entry into the market. These standards were introduced into our system by Act No. 863 of 22 December 1984. This gave employers the possibility, in recruiting workers for an indeterminate period, of resorting to "requests by name" for 50 per cent of the workers for whom they were previously obliged to make "numerical requests", thus liberalizing one aspect of the labour market and actually eliminating part of the obligations previously imposed on enterprises seeking to recruit staff (the previous regulations are set out in the initial report in para. 10).

21. The same legislation further modified the "on-the-job" training contract. The new rules provide that such contracts must have a maximum duration of two years, must be non-renewable, and must involve young persons of between 15 and 29 years of age. It gives considerable tax relief to employers who recruit staff on this basis; the aim of this policy is, of course, to encourage enterprises to take on new staff which will later subsequently join the ranks of the permanent staff by having their "on-the-job training" contract converted into a permanent contract.

22. There are also new forms of wage integration (described in para. 28 in the previous report), which take the form of "solidarity contracts". These are trade union agreements between an enterprise and delegations of the most representative trade union organizations at the national level whereby workers in the enterprise, or a proportion of them, agree to a stable and programmed reduction of their working hours and a consequent reduction in their earnings, so as to avoid dismissals or in order to allow new appointments to be made. The Ministry of Labour grants remuneration equal to half of the loss incurred by the reduction in working hours provided in the agreements in question. This payment may apply for a maximum of two years.

23. Act No. 56, of 28 February 1987, was promulgated for the same purpose of contributing to the reorganization of the institutional system of bodies and jurisdictions to ensure access to work. This Act is intended to rationalize the organization of the labour market and ensure that any actions are better adapted to the requirements and real specific characteristics of the sectors of that market. The new regulations (which are incorporated into and replace the regulations described in para. 5 of the first report) are intended:

(a) to redesign the organization in the country of the peripheral employment service offices (districts) so as to adjust functional capacity of action by placement officials to the requirements of local sources of manpower in order to encourage contact between labour supply and demand;

(b) to complete the centralized and decentralized linking of the corporate bodies (Central Employment Commission, regional employment commissions) which coordinate placement management by programming it for selective interventions, by the process of linking it to other institutional functions for education and training. The introduction should be underscored, in the context of the constitution of these corporate bodies, of advisers on equal opportunities as well as of a balanced presence of the social parties. That has enabled Italy to give positive reconsideration to the possibility of ratifying the ILO Employment Service Convention No. 88 of 1948, ratified by Italy in 1951 and subsequently denounced in 1971 because of the imbalances observed in the representation of professional interests;

(c) to institute centrally, with regional links, the national observation post which focuses on the labour market, the functions of which are to ensure greater transparency in the labour market and in such activities of labour policy as can be programmed;

(d) to institute regional employment agencies with the task of creating new job opportunities;

(e) to complete the computerization of the information and data registration network for the management of the manpower flows that occur.

24. In addition to organizational and job reclassification measures, a series of further measures suited to the requirements of greater labour flexibility are about to be adopted by the Parliament at the proposal of the Government. These concern mainly a new form of control of access to labour by protecting categories considered to be underprivileged, and the processes of mobility;

the latter will make use of the machinery for maintaining the income of the workers concerned (profit integration fund) to finalize the (mobility) operations both by mitigating their social and individual impact and enabling action to be taken in respect of any professional redeployment.

25. Where controlling the inflow of migrant workers from countries outside the Community is concerned (described in the first report in para. 4), it may be noted that extensive changes were introduced with State Act No. 943/1987.

26. This Act is intended:

(a) specifically to implement Italy's commitments following the ratification of International Labour Organisation Convention No. 143. Incidentally, it should be noted that the ratification was not qualified by any reservation, although this could have been the case, thus demonstrating Italy's commitment and sensitivity vis-á-vis the problem of migration, of which it appreciates not only the economic implications but also the ethical, social and cultural implications;

(b) to make provision for improving the status of foreigners in Italy employed in a subordinate capacity although their situation is in fact irregular. A series of measures led in the initial phase of implementation of the Act to clarify their presence by regularizing individual positions both with regard to the rules concerning entry into and residence in Italy and with regard to labour laws and social security. Measures to simplify the pursuit of these objectives of the Act affect both workers who have been guaranteed the prospect of having their situation stabilized and brought fully into line with that of indigenous workers in the job-seeking phase, and employers who have been encouraged to regularize the positions of their own foreign employees thanks to the temporary waiving of the administrative and criminal penalties applicable;

(c) to provide, once the transitional phase has passed for regularizing the situations which have to some extent been consolidated, for the regulation in a programmed manner of labour flows from countries outside the Community with a view to securing their full integration in line with the guarantees and protection already afforded to the indigenous members of the labour force.

27. The situation of citizens from outside the Community and of stateless persons already on Italian territory has finally been regulated by Act No. 39 of 28 February 1990, which is based on Decree-Law No. 416 of 30 December 1989, a summary of which follows.

28. Article 1 on "political asylum", and the abolition of the so-called "geographical reservation", extends to the citizens of all States the possibility, previously reserved for European citizens alone, of applying for their status as a political refugee to be recognized.

29. As from 31 December 1989, articles 2 to 7 inclusive govern the entry into and residence in Italy of citizens from outside the Community, by virtue of a series of measures designed, on the one hand, to prevent, control and punish irregular and clandestine immigration and, on the other, to specify the

grounds of valid entry, the requisite documents, the modalities and procedures applicable to residence as well as the offices to which application for a permit must be made.

30. These articles lay down the grounds and procedures, which also apply from 31 December 1989, for "refoulement" at the frontier and expulsion of aliens in specified cases. Expulsion is also provided for in the case of aliens from outside the Community and stateless persons who do not regularize their position with regard to entry and residence by 28 June 1990 at the latest, as required by law.

31. Articles 9 and 10 relate to citizens from outside the Community and stateless persons, already present unlawfully in Italy as at 31 December 1989, who are required to regularize their situation and presence in Italy, whether on the ground of study or on the ground of employment or self-employment, by 28 June 1990 at the latest. The articles specify the cases, introduced by decree, in which punishment will not be imposed with a view to encouraging, on the one hand, the wider regularization, by 28 June 1990 at the latest, of the situation of aliens already present unlawfully in Italy and, on the other, self-reporting, by 29 April 1990 at the latest, by all those who have unlawfully housed or employed aliens.

32. Article 11 specifies the public offices, trade union clubs, social welfare institutions, immigrant and refugee associations and voluntary organizations to which citizens from outside the Community can apply for information, assistance and free guidance with a view to regularizing their situation with respect to residence and work.

33. The concurrent interest that in fact exists between emigration and immigration countries is worth noting. Very significant signs of this emerged from the Conference of Mediterranean countries on the labour market policies promoted by Italy and Tunisia, held at ministerial level in Tunis in 1987.

34. The conclusions, reached at that Conference on a provisional basis, demonstrate the great interest which the Mediterranean countries - covering a geo-political area where, for recurrent reasons that are to be seen as part of a historic process, the movement of persons and direction of flows have always been conditioned by the balances, or rather the imbalances, operating as between its main shores - serve to intensify international cooperation. Thanks to that cooperation, everyone is convinced that it is possible to temper mutual interests on a footing of equal dignity and in particular to find suitable solutions for development and growth requirements of the relatively less developed countries. Against that background, great importance and worth have been attached, with the assistance of the International Labour Organisation, to the "observation post" on demographic developments and on the directions of flows in the movement of persons in the various Mediterranean countries, with a view to providing the data required for the improvement of the forms of cooperation that is essential to take account of the political requirements of national labour markets.

## II. SOCIAL RIGHTS

35. During the period which has elapsed since the submission of the initial report on social rights, the protection of social rights has undergone further development in terms both of the effective implementation of undertakings under the Covenant and of ad hoc legislative action.

### A. Article 12

#### 1. Birth control and fertility services

36. In the field of protection of responsible motherhood, major efforts have been made to bring the number of family advice centres into line with the population's actual requirements.

37. Despite these efforts, the distribution by geographical areas and regions still remains very uneven; generally speaking, the number of advice centres is higher in northern and central Italy. The national average, with variations between geographical areas, is 1.5 advice centres per 10,000 women of fertile age.

38. The following action is envisaged in the maternity and child care sector of the National Health Plan in order to correct this geographical imbalance:

(a) Completion of the network of advice centres so as to provide a centre per 10,000 inhabitants in rural areas and per 23,000 inhabitants in urban areas;

(b) Testing new organizational models with a view to meeting integrated social and public-health objectives; in particular, a linkage is to be established between various types of situation in which paediatric services are called upon to intervene at present, and the role of health services in schools is to be reviewed so as to facilitate initiatives in the field of prevention and health education, especially with regard to drug abuse and AIDS;

(c) Training and re-training of personnel.

39. Act No. 109/1988 provides for the sum of Lit 25 billion to be added for this purpose to the credits already provided under the National Health Plan.

40. Other objectives under the Plan for the years 1989-1991 include the following:

(a) Genetic services, both clinical and laboratory, as well as molecular genetics services, will be opened or, as the case may be, strengthened; a wide network of genetic consultations will be provided at specialized centres;

(b) Special assistance will be provided for pregnant women at risk and epidemiological surveys will be conducted on the results of at-risk pregnancies;

(c) Child rehabilitation services and home-help services for families with seriously handicapped children from birth to 14 years of age will be provided;

(d) Initiatives for paediatric home hospitalization and the provision of specialized services for specific paediatric pathologies will be strengthened;

(e) Vaccination against measles, mumps and German measles will be made compulsory.

## B. Article 10.3

### 1. Protection of children and young persons

41. With regard to the protection of minors it should be noted that an Interministerial Committee for the Problems of Children was established by a decree, dated 3 August 1982, of the Chairman of the Council of Ministers in agreement with the Ministers of the Interior and of the Treasury, pursuant to conclusions reached by the Italian Commission for the International Year of the Child.

42. This Committee, which came into being on 30 April 1983, was entrusted for a limited period of six months with the performance of the following tasks:

(a) To study problems requiring efficacious ad hoc responses to the needs of children within the general framework of the Government's social policy;

(b) To define areas for coordination and to formulate proposals in accordance with general guidelines for a comprehensive and unified policy on children.

43. From the outset of the Committee's work, some specific sectors of activity were recognized as having priority and served as the focus for discussion and analysis. They were the following:

(a) Protection of minors;

(b) Protection of the health of minors;

(c) Conditions favourable to the education and socialization of minors, and means of achieving those conditions.

44. At the conclusion of its mandate, the Committee recommended setting up a permanent body for the systematic study and coordination of the country's overall policy on children and young persons. This recommendation was put into effect with the establishment, pursuant to a decree of the President of the Council of Ministers dated 25 January 1985, of the National Council on the Problems of Minors; this body is entrusted with tasks of coordinating and studying matters pertaining to Government policy on minors and with making proposals and advising the Government in that field.

45. The activities of the Council, whose secretariat is attached to the Ministry of the Interior, are aimed mainly at promoting and disseminating a new culture of childhood and adolescence (inter alia, within the framework of the prevention of discontent among young persons) by ensuring the participation of interested institutions and by encouraging society to take a positive view of new developments, and also at promoting mutual understanding between the generations.

46. A further task consists in studying the possibilities of intervening on behalf of minors open to various ministries and in coordinating those ministries' activities in that field. At the level of regional organizations, the Council is responsible for supervising the implementation of policies on minors and making recommendations for improvements where necessary.

47. The Council's main objective is to pursue certain courses of action in the following three areas, for each of which a special commission has been set up:

(a) The right of minors to socialization and education;

(b) The right to health;

(c) The right to protection.

48. The Council's institutional obligations include the preparation of an annual report on legislative and administrative action taken during the reporting period with a view to enabling the Government to formulate guidelines for the regions and organizations concerned. A first report (edited by F. Angeli under the title "Minors in Italy") was prepared in 1987 and a second one is in the final stages of preparation.

49. In accordance with the guidelines issued to it, the Council has, from its inception, taken initiatives in conducting studies and surveys on specific aspects of problems affecting minors.

50. In the light of earlier work done by the Ministry, priority attention was given to teenagers, an age group which appears to be particularly at risk.

51. A number of studies both of a general and a specific nature relating to teenage problems were commissioned from organizations competent in that field, and technical and financial support was given to several seminars on related subjects.

52. The National Council on the Problems of Minors has also been directly responsible for promoting two initiatives on the subject, a congress on "Teenagers today" and the setting up of a working group on "Projects for teenagers", which has already elaborated and announced its methodology and system of organization.

53. In other sectors, the mandate of an "Observation group on adoption, foster homes and housing communities" has been renewed on the basis of analysis and selection of the legislation in force.

54. Furthermore, a regionally conducted survey on the implementation of Law No. 184/83 on the currently particularly important subject of fosterage has recently been completed in coordination with the Bureau for Legal Affairs of Juveniles of the Ministry of Justice.

### 2. Adoption and placement

54. Now that the legal system of protection has been radically altered by the adoption of new laws, careful scrutiny of their effects appears to be called for. It will be recalled that adoption procedures under the previous system were described in paragraphs 67-73 of the initial report. Those paragraphs are no longer applicable today and need only to be considered in a historical context.

55. Act No. 184, of 4 May 1983, amended previous regulations concerning the adoption of minors, principally by providing that so-called "full" or "legal" adoption was henceforth the standard form of adoption, "simple" adoption being permitted only in certain special cases.

56. Full adoption, like the previous "legitimation by adoption" introduced by Act No. 431 of 5 January 1967, can be exercised only in respect of minors who have been abandoned, but its sphere of application is now wider becuase the age limit is the minor's coming of age. Legitimation by adoption, it will be remembered, was permitted only in the case of minors under the age of eight.

57. Another innovation introduced by Act No. 184 of 1983 was that adoption of the minor establishes an affiliation relationship completely identical with that of legitimate affiliation, which was not the case with legitimation by adoption.

58. While establishing that as a result of the adoption, the adopted child acquired the status of the adoptive parent's legitimate child, article 314/26 of the Civil Code, now abrogated, explicitly precluded the establishment of kinship relationships between the adopted child and the adoptive parent's collateral family.

59. Act No. 184 also regulated the placement of minors and established rules regarding international adoption.

60. These innovations are clearly intended to ensure maximum protection for the interests of minors.

### 3. Full adoption of minors

61. The conditions and procedure for the full adoption of minors have remained basically the same as in the preceding act on legitimation by adoption. However, they are worth recapitulating, even briefly, for a clearer understanding of the argument and to illustrate the sensitivity of the legislature to matters concerning the protection of minors.

62. Full adoption is open to couples who have been married for at least three years and are not separated, even on a de facto basis. The fact that couples have legitimate or illegitimate children is no bar and a couple may undertake several adoptions simultaneously or successively.

63. Adopters must be "able to raise, instruct and provide for the needs of the minors whom they intend to adopt" (art. 6 (3) of Act No. 184), the relevant assessment being made by the juvenile court. As for the ability to provide for the subsistence of the child, the accepted practice is not to attach overriding importance to the financial standing of the applicants. They simply need to be able to provide their families with an untroubled environment and meet their basic needs.

64. Prospective adopters must be at least 18 years of age and adoptees not more than 40 years of age.

65. As stated earlier, for full adoption the adoptee must be a minor and less than 18 years old and must also have been declared eligible for adoption, by virtue of having been permanently abandoned. Under Act No. 184, article 8, minors are regarded as abandoned if they have been "deprived of moral and material support by their parents or the parents responsible for providing such support, where the absence of support is not attributable to temporary circumstances of force majeure".

66. The adoption proceedings are conducted before the juvenile court of the district in which the minor is living at the time when the abandoned status is established. There are three stages to the proceedings. The first stage concludes with the declaration of eligibility for adoption, the second with pre-adoption placement, and the third with the making of the adoption order. In the event of the declaration of eligibility for adoption being contested, the matter is decided by the court.

67. The order may be contested by the Government Attorney, the parents of the minor, the foster parents or the guardian. If the objection is upheld, the adoption proceedings are discontinued.

68. The choice of adoptive child is not left to the applicants. On the contrary, it is the juvenile court which, in accordance with article 22 (2) of Act No. 184, for the purposes of pre-adoption placement and following appropriate inquiries, chooses from among the applicants the couple most able to meet the needs of the minor in question. This does not of course preclude the need for the consent of the couple concerned, but the general thrust of the Act is that the couple should accept the minor offered by the court, rather than that the court should approve one of their selections.

69. In the case of minors who are 12 years old, pre-adoption placement takes place after the wishes of the minor have been heard. Children who are 14 years old must give their express consent before being placed with the couple selected.

70. The above-mentioned article 22 prohibits the placement of just one of a number of siblings, all of whom are eligible for adoption, unless there are compelling reasons for doing so.

71. The juvenile court ensures that the proper procedures are followed during pre-adoption placement and may revoke the placement on its own initiative or at the request of the Government Attorney, the guardian, the guardianship magistrate or the social services if it becomes apparent that there are serious obstacles to proper cohabitation.

72. Regarding the effects of the declaration of eligibility and pre-adoption placement, the last paragraph of article 11 of the Act simply provides that, once such declarations are issued, recognition of paternity and maternity is void and the judicial declaration of paternity or maternity is suspended and nullified upon adoption of the minor in question.

73. One year after pre-adoption placement, the juvenile court, after ascertaining that all the necessary legal conditions are fulfilled, decides whether or not to approve the adoption. Minors who are 14 years old must give their express consent to the adoption by the selected couple.

74. The adoption order may be contested by the Government Attorney, by the adopting couple or the guardian, by appeal to the Juvenile Division of the Court of Appeal.

75. As already stated, under article 27 of Act No. 184, the adopted person acquires the status of legitimate child of the adopters and takes and passes on their family name. Upon adoption, the adopted person's relations with his original family cease, except for prohibitions of marriage.

### 4. Simple adoption of minors

76. Apart from situations of abandonment, minors may be adopted by simple adoption in the specific circumstances set forth in article 44 of Act No. 184:

(a) By persons linked to orphaned minors by a family relationship to the sixth degree or by a stable and lasting relationship existing prior to the loss of the parents;

(b) By the second spouse where the minor is also the adoptive son of the first spouse.

77. Article 44 also allows the simple adoption of a minor who has been declared eligible for adoption on the grounds of abandonment "where the impossibility of proceeding with pre-adoption placement is recognized". In the cases referred to in (a), adoption is granted not only to married couples, but also to unmarried persons.

78. The procedure for this type of adoption, which is handled by the juvenile court of the district in which the minor lives, is much less complex than for full adoption and involves mainly determining the circumstances referred to in article 44 and ascertaining, through appropriate inquiries, that the adoption is in the best interests of the child (art. 57).

79. Naturally, the consent of both the adopter and the person adopted is necessary. If the person to be adopted is under 14 years of age, such consent is given by his legal representative.

80. Adopted persons acquire a status different from that of the legitimate children of the adoptive parents, retaining all their rights and duties towards their original family and contracting no relationship with the relatives of the adopter, apart from the exceptions established by law (see art. 300 of the Civil Code, reproduced in art. 55 of Act No. 184).

81. The adopted person takes the name of the adopter, which precedes his own. Parental authority over the adopted person passes to the adoptive parents.

### 5. Placement of minors

82. Act No. 184 of 4 May 1983 governs, mainly on the basis of new criteria, the types of placement which are not intended to lead to adoption of the minor, but are designed to provide for his upbringing and subsistence for a limited period, with a view to promoting his reintegration into his original family. The relevant regulations, as contained in Title I of the above-mentioned Act, provide for two types of measure: family placement, where the minor is placed with a family or family-like community, and accommodation in a welfare institution, when the first form of placement is not possible.

83. The placement decision is made by the administrative authority or, in the absence of the consent of the parents exercising parental authority or of the guardian, by the juvenile court.

84. Such decisions are taken in the case of minors temporarily deprived of an appropriate family environment. This type of placement is thus implicitly precluded in the case of minors for whom a declaration of eligibility for adoption must be issued, i.e. where the minor has been not temporarily, but permanently, abandoned.

85. Under article 5 of Act No. 184, the person entrusted with the child must receive the child into his home and provide for his subsistence, education and instruction, taking into account the information provided by the parents. He must also facilitate contacts between the minor and his parents so as to encourage reintegration into the original family.

### 6. International adoption of minors

86. Title III of Act No. 184 of 4 May 1983 contains completely new provisions governing the international adoption of minors and establishes the following principles:

(a) A married couple wishing to adopt a foreign minor must first apply to an Italian juvenile court for a declaration of suitability. The court's decision is based on inquiries to ascertain whether the necessary conditions are met (age, duration of marriage, morals, state of health, etc.);

(b) Having obtained the declaration of suitability, the couple may apply to an agency recognized by the State or may even seek a prospective adoptee abroad themselves;

(c) The entry of a foreign minor into Italy for the purpose of adoption is permitted only if an order for adoption (or pre-adoption placement, or guadianship) has been made by the foreign authority with regard to the adopters. Such an order must be made in accordance with the law of the foreign State through the Italian consulate;

(d) The juvenile court declares the foreign order to be valid after ascertaining that the married couple have obtained a declaration of suitability in respect of international adoption, that the order of the foreign authority is in accordance with the law of the issuing State and does not conflict with the fundamental principles governing family and juvenile law in Italy.

87. The foreign order is declared valid for the purposes of adoption after a placement period of not less than one year. In other cases, it is declared valid for the purposes of pre-adoption placement. The prospective parents and the minor are then monitored by the social service and, after one year, the court grants the adoption.

88. When the foreign order is declared valid in Italy for the purposes of adoption, or when adoption is granted after one year of placement, the minor acquires the status of legitimate child of the adoptive parents, together with Italian nationality. However, if the period of pre-adoption placement has not produced positive results, the foreign minor is considered as abandoned and becomes subject to Italian legislation in respect of adoption, placement and protective measures. The Ministry of Foreign Affairs so informs the authorities of the minor's country of origin.

### 7. Selected data concerning adoptions

89. In 1988, according to data compiled by the Ministry of Justice, 1,254 Italian children were declared eligible for adoption and 1,342 were actually adopted. In the same year, the juvenile courts accepted 2,304 adoption applications, rejected 3,102 and left more than 14,000 pending.

90. Although the new adoption Act (No. 184, of 4 May 1983) lays down specific and somewhat strict conditions regarding both the marital status of those wishing to adopt a child and the required difference between the ages of the adopters and the adoptee, as well as the moral and socio-economic standing of the prospective parents, adoption applications far exceed the number of children available.

91. This has meant that, in recent years, the number of international adoptions has continued to grow, and now outnumbers internal adoptions. In 1988, the number of foreign minors adopted in Italy was about 2,000, many of them from Brazil (30 per cent) and India (12.4 per cent) and in any event, most of them from Latin America. Only a small number of African children have been accepted for adoption in Italy, however. This is due to the absolute preference of Italian couples for adopting children "who are not coloured" and to the fact that African countries are reluctant to grant adoptions, preferring, it is said, to entrust children to the care of the African extended family system.

92. Once the declaration of suitability has been obtained, in accordance with present legislation, couples wishing to adopt a foreign child may apply to one of the organizations authorized by the Ministry of Foreign Affairs under article 39 of Act No. 184, or to other organizations which are easier to contact, or may go in person to a given foreign country to find a child.

93. The official procedure is the least popular. As a result, only 178 of the 2,000 adoptions of foreign children in Italy in 1988 were handled by one of the authorized organizations.

94. There are at present seven organizations which have obtained the Ministry's authorization, including recognition of their legal status - which also entails a comprehensive examination of the organization's financial situation - four of which are authorized to operate nationally. Persons deciding to apply to these bodies may expect to receive practical assistance and psychological support, but must submit to the scrutiny of specialized staff, after which a substantial proportion of couples who have already been declared suitable by the juvenile court - apparently about 30 per cent - are rejected.

95. It seems reasonable to assume that it is precisely this meticulous approach by the recognized agencies, in addition to the length of time required, that prompts would-be adoptive parents to look outside national frontiers.

96. In many such cases, the practical drawbacks are already becoming all too clear. They result from irregularities in the foreign country regarding the placement of the foreign child with a couple or, in some cases, regarding the adoption order.

97. Indeed, orders by foreign authorities, even if strictly speaking, they are proper, may sometimes have been issued under the influence and at the urging of the applicants and, worst of all, without observance of the principle of placement of the child with the adopting couple, although such placement is necessary and must be monitored very scrupulously in the interest of the minor. Because of this omission, even the expectations of the adoptive parents can obviously be disappointed, with all the inevitable negative consequences for the recently created relationship.

98. Another controversial aspect of prevailing legislation on international adoption is the situation provided for in article 33 of Act No. 184 of 1983. This article stipulates that, in cases where the foreign adoption order does not provide for pre-adoption placement or where such placement has not in any event been effected, the order is declared valid in Italy for the purposes of pre-adoption placement, and, after one year, the juvenile court makes the adoption order. However, again according to article 33, where pre-adoption placement has produced no positive result and in other cases where the foreign order cannot be declared valid for the purposes of adoption, the court declares the foreign minor to be eligible for adoption as he is considered to have been abandoned. Consequently, the minor, having ceased to have any contact with the Italian married couple and, more importantly, having lost any links with his original family, not to mention with his country of

origin, is at best adopted in Italy by another couple, although without any provision even being made for the involvement and supervision of the authorities of the State of origin, which, according to the last part of article 33, are merely "informed" through the Ministry of Foreign Affairs.

99. In view of these drawbacks, which reveal above all a lack of coordination between the provisions of Italian and foreign law and which in practice sometimes produce particularly tragic consequences and lead to complex court cases, the Minister of Justice decided to institute a review of current regulations concerning placement and adoption of abandoned Italian and foreign minors, with the idea of drafting texts to supplement and amend Act No. 184 of 4 May 1983. Accordingly, in a Ministerial Decree of 4 October 1989, he appointed a commission of judges, attorneys and university professors specializing in the topic.

## 8. Juvenile offenders

100. Again with reference to the protection of minors, it should be noted that new provisions concerning criminal proceedings against juvenile offenders were adopted in Presidential Decree No. 448 of 22 September 1988. Article 1 of the Decree provides that, although no such provision is made in the relevant legislation, the articles of the new Code of Criminal Procedure, adopted by Presidential Decree No. 447 of 22 September 1988, are to be applied.

101. This is why criminal proceedings against juvenile offenders are conducted in accordance with the new regulations, which are based mainly on the accusatorial system.

102. The adoption of this system, which introduces better guarantees for persons under investigation, represented a major reform by reorganizing the Italian criminal justice system, which had previously been administered on inquisitorial lines.

103. The fundamental principles governing the new Code of Penal Procedure - principles which, as has just been stated, apply to all accused persons, whether adults or juveniles - may be summarized as follows:

(a) Presumption of the innocence of the accused until final sentencing;

(b) Complete equality between the prosecution and the defence;

(c) Requirement that defence counsel should be present during all proceedings that may be used in the judgement;

(d) Lifting of the secrecy of preliminary inquiries once the accused adopts a position to that effect.

104. Basically the new system, by placing the prosecution and the defence on an equal footing, particularly during the phase of collecting and marshalling the evidence, guarantees the accused ample opportunity to reply, and his response is the centre-piece of the trial.

105. In order to prevent the trial from taking place too long after the event, the new procedural law establishes a time-limit for preliminary inquiries beyond which the Government Attorney must ask either that the case should be brought to trial or be filed, and it is forbidden to use any material from inquiries carried out after that date. The time-limit is usually six months, but in particularly complicated cases it may be extended up to a maximum of two years.

106. Also with the aim of speeding up the administration of justice, the new Code of Penal Procedure provides for the following special criminal proceedings: summary judgement, application of the penalty at the request of the parties, interim relief procedure, immediate trial and trial by decree. The legislature's intention is that these procedures should be extremely rapid and should be used in most trials.

107. The new procedure for minors forms part of these arrangements, subject however to some adjustments (introduced by the aforementioned Presidential Decree No. 448) which, as is pointed out, have implications for the accusatorial system.

108. This applies particularly to the following provisions:

(a) The collection of evidence concerning the personality of the accused before the court proceedings and separate from them;

(b) The generally non-public nature of hearings (although an accused person over the age of 16 may request a public hearing);

(c) The possibility of taking certain steps without the accused being present;

(d) The non-applicability to minors of the alternative procedures of negotiating sentences and trial by decree.

109. The penal procedure applicable to minors is also characterized by special provisions demonstrating the legislature's desire to take account of the fact that, because of his age, the accused is not yet a fully mature person and to treat criminal proceedings involving minors in the context and on the basis of educational efforts (of which the penal procedure is only the "strong" variant) on the minor's behalf.

110. This is stated expressly in article 1 (1) of Presidential Decree No. 448, which stipulates that the provisions of the Code of Penal Procedure "are applied [to accused minors] in a manner appropriate to the personality and educational needs of the minor".

111. In this connection, the judge must explain to the accused minor the significance of the procedural steps taken in his presence, as well as the content and grounds, including ethic-social grounds, for decisions (art. 1 (2)). Provision is made for special courts (art. 2) and minors' departments in the judicial police (art. 5), together with various other precautions designed to avert adverse consequences for the minor's personality and to ensure that the proceedings are conducted in an appropriate manner.

112. One particularly important provision is article 27 (1) of this Presidential Decree which, while confirming the above-mentioned decriminalizing practices, stipulates, still on the basis of the educational aims of the penal procedure applicable to minors, that "if the preliminary inquiries show that the act was inconsequential or the conduct clearly occasional, the Government Attorney shall ask the judge to dismiss the case on the grounds of the insignificance of the act when the continuation of the proceedings might be detrimental to the minor's educational needs".

113. A further demonstration of the legislature's desire to protect the minor in criminal proceedings is given by article 28 of Presidential Decree No. 448, under which the judge may order the proceedings to be suspended when he considers that a subsequent evaluation of the minor's personality is necessary.

114. It should also be noted that, under article 10 (1) of the same Presidential Decree, civil proceedings for restitution and compensation for injury caused by the offence are inadmissible in connection with criminal proceedings before a juvenile court. Obviously this provision is designed to ensure that the minor is tried in as calm an atmosphere as possible, with no civil claimants present.

## 9. Mental illnesses

115. Until 1978 decisions to hospitalize mentally ill persons for the purposes of assistance and care could be taken even without the consent or against the wishes of the person concerned. Moreover, virtually all care and assistance, at least in the most serious cases, was dispensed at specialized institutions called "manicomi" (lunatic asylums). After a lengthy period of research and experimentation, particularly by a group of psychiatrists at the University of Trieste, a totally different system was introduced by Act No. 180 of 13 May 1978, whose guiding principles include the consent and participation of the mentally-ill person and the abolition of asylums. Internationally this Act has been viewed as innovative in relation to traditional systems, and has prompted numerous national legislative reviews.

116. The project of the Trieste Research Group was essentially designed to ensure respect for the dignity of the human person while observing the civil and political rights proclaimed by the Italian Constitution, including where possible the right to free choice of doctor and place of treatment.

117. Before this Act was promulgated, the civil status of persons presumed to be mentally ill was such that they were deprived of all rights, whereas the new Act allows a certain degree of independence guaranteeing respect for the sick person.

118. Previously, a patient under observation could be subjected to hospital examinations and tests even without his consent or against his wishes, and in any event he was forbidden to have any contact with persons outside the hospital structure. The patient did not even have the right to choose the institution where he was to be hospitalized. In addition, the new Act provides that mandatory examinations and treatment should be carried out on

the orders of the mayor, as the local health authority. Competence in the matter is transferred from the province to the region, thus enabling the bodies concerned to devise a programme of care and recovery for mentally ill persons on the basis of the facilities available in the country.

119. Mention should be made, inter alia, of the following amendments to the Penal Code: in Book III, title I, chapter I, section III, paragraph 6 of the Code, the words "insane persons" have been deleted, while the words "persons of unsound mind" in article 716 of the Penal Code have been replaced by the term "sick persons".

120. All this has a significance which goes beyond national policy: even international research organizations have sought to draw on Italy's experience, and today the recognition of the mentally ill person's rights has become an established social and civil feature, both by virtue of new regulations and because of the nation's civic mindedness.

## III. CULTURAL RIGHTS

### A. Article 13

121. (1.) The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

122. (2.) The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

123. (3.) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

124. (4.) No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

## A. The school system and its development according to the principles of the Constitution

125. Before describing the present school system, with reference to the various aspects covered by article 13 of the International Covenant on Economic, Social and Cultural Rights, it is appropriate to outline the situation that existed prior to 1948, when the Constitution of the Republic was promulgated shortly after the downfall of a dictatorial régime which had lasted for more than 20 years, and the end of the Second World War.

126. The qualitative advances and quantitative development of the school system after the entry into force of the Constitution were so great that by 1966, when the International Covenant was adopted, the principles and standards regarding the right to education laid down by the United Nations had already been realized and, as will be seen in the present report, the school system has developed and is still developing constantly.

127. The main features of the educational system in 1948 may be summarized as follows:

(a) The legislation in force at the time, dating back to 1923, already provided for compulsory education up to the age of 14. However, the principle of obligatory schooling beyond the completion of elementary education was not generally applied at that time, or indeed for several years after that;

(b) The educational system established in 1923 was still based on an aristocratic concept of culture and education, so that access to higher secondary school and university was in practice reserved not only for the most intelligent but also for the wealthiest;

(c) Secondary education, which followed the completion of elementary school, was characterized by a sharp distinction between the humanistic schools - in which Latin was taught and from which pupils could go on to university - and other secondary schools where Latin was not taught and from which access to higher studies was very limited; a choice affecting subsequent education thus had to be made at too early a stage;

(d) The school administration was characterized - a tendency which had been gathering force for more than a century - by a strong concentration of decision-making power in the State administration and, consequently, a pyramid-like bureaucratic structure formed, at the national level, by the Ministry of Education in particular; at the provincial level, by local agencies of the Ministry known as "academic inspectorates" and school superintendents; and, at the commune level, by the administration of each school. There were thus no arrangements for participation in school programming and administration by collective bodies representing the various social categories, the school community, families and trade unions.

### 1. Constitutional principles and norms

128. The Republican Constitution which entered into force on 1 January 1948, with its fundamental general principles, norms and policy concerning the cultural formation of the citizen, marked the start of a thoroughgoing reform

of the school system which was briefly described in the previous paragraph and had the two fundamental aims of establishing social equality for all members of the national community and democratic management for schools of all kinds and levels.

129. The first point - social equality - was formally provided for in general terms among the fundamental principles of the Constitution, article 3 of which states as follows:

"All citizens have equal social rank and are equal before the law without distinction of sex, race, language, religion, political opinion, or social and personal conditions.

It is the task of the Republic to remove obstacles of an economic or social nature which, by materially restricting the freedom and equality of citizens, impede the complete development of the human personality and the effective participation of all workers in the political, economic and social organization of the country".

130. The application of the general principle of equal social rank among citizens to the field of school education is spelled out in article 34 of the Constitution, the text of which - reproduced in full below - is wholly consistent with Italy's commitments under article 13, paragraph 2 (a), (b) and (c) of the International Covenant:

"Schools are open to all.

Primary education is compulsory and free of charge for at least eight years.

Capable and deserving students, even if without means, have the right to attain the highest grades of education.

The Republic implements this right through scholarships, grants to families and other types of assistance, awarded on the basis of competitive examinations."

131. The wording of this article clearly shows that the school system established by the Constitution precludes any selectiveness in access to schools of all kinds and levels and any failure to perform the obligation to attend school up to the age of 14; moreover, by its emphasis on capable and deserving students, the Constitution confirms the principle of equality in education, irrespective of an individual's economic and social circumstances.

132. The second point - a democratic school administration as opposed to the bureaucratic, pyramid-like structure of the previous school system - is covered in general terms by the fundamental principle laid down in article 5 of the Constitution, under which the Republic "recognizes and promotes local autonomies. It effects in the State services the broadest administrative decentralization and adapts the principles and procedure of its legislation to the needs of autonomy and decentralization". Moreover, under article 117

concerning the regional system of the Republic, the regions are empowered to legislate in the areas of vocational training and assistance to students, within the limits of the general principles established by the laws of the State.

133. The articles of the Constitution which have been reviewed so far are not the only ones to proclaim principles and norms for school education, the cultural formation of the individual and vocational training and advancement for workers. Other articles confirm existing priciples and norms, while adapting them to the democratic character of the new national organizational system.

134. Particular mention should be made of article 33, under which the State prescribes general rules on education and preserves the right and obligation to establish State schools of all types and grades. The article recognizes the right of private groups and individuals to establish schools and educational institutes without State support and lays down conditions for non-State schools requesting parity of status, while guaranteeing their complete freedom and equivalent treatment for their pupils. It affirms the freedom of education, also making a specific reference to art and science and therefore freeing education from any directives, and further provides that institutes of high culture, universities and academies have the right to self-rule within the limits prescribed by the laws of the State.

135. In addition, reference should be made to article 35, under which the State sees to the training and professional advancement of workers, thus also responding to the requirements of the economy and production.

136. To sum up, it may be stated that the principles and norms of the Constitution have shaped a school system which is substantially different from the previous one; it is based essentially on a democratic concept of the school and education, the decentralization of decision-making bodies and participation.

137. Lastly, article 34 of the Constitution stipulates that primary education is compulsory for at least eight years, thus making any infringement of this rule a punishable offence. It may also be noted that this provision of the Constitution opened the way to a democratic society without any trace of illiteracy and that, already in 1983, only 3 per cent of the resident population over the age of six was illiterate and in any case comprised only inhabitants of developing areas of the country and very old people. This was made possible by the fact that the Italian school system provides for basic education courses for adults in order to rehabilitate individuals who have not been to primary school, or who have not completed their primary education and have thus lost the partial benefit previously acquired. In addition, there are evening classes for workers leading to the award of a diploma for lower or higher secondary studies.

### 2. Implementation of the constitutional principles and norms

138. The principles and norms of the Constitution concerning school education were not, and could not be, immediately and simultaneously implemented for all aspects of the new school system, given the complexity of educational

processes in school and the problems to be tackled. Further on, the timetable followed, the arrangements for its implementation and the measures adopted are described in detail for each level of education, taking account both of the principles and norms established by article 13 of the International Covenant and of the guidelines for the preparation of reports by States parties to the Covenant.

139. In this general and introductory section on the analytical development of the right to education, it seems appropriate to indicate, first of all, in respect of the school system as a whole, that there has been an ongoing debate among all the institutions concerned - parliamentary, governmental, school and trade union and public opinion - on the procedures for implementing the principles and norms of the Constitution. The debate is still continuing particularly on all aspects of senior secondary schools, which cater for the age-group ranging from 15 to 18, and the university.

140. It also seems worthwhile to indicate the key stages in the evolution of the school system since 1948. The information provided is taken from the second report on Italian educational policy of 1983 (the previous report was prepared in 1969), by the Ministry of Education for the Education Committee of the Organization for Economic Cooperation and Development (OECD). It identifies two stages in the evolution of the school system, each with its own salient and diverse features:

(a) The 1950s and 1960s are generally described as an era of major quantitative development in the school system and its extension to a broader social spectrum.

(b) The 1970s and early 1980s, are defined in the report as a transitional period, which having, in certain respects, pursued the earlier development policy to the point of exhaustion moved on to a new phase in the existence of educational institutions.

### 3. Evolution of the school system during the 1950s and 1960s

141. The most significant stages in the evolution of the school system during this period were as follows:

142. (a) In 1962, by Act No. 1859 of 31 December 1962, the unified compulsory and free secondary school was established for young people between the ages of 11 and 14.

143. This fundamental reform involved the conversion of pre-existing types of junior secondary schools into a unified type of school and was therefore a first step towards making the population culturally homogeneous. As will be seen, further progress towards this goal for the 15 to 18 age group was made in 1969.

144. The unified secondary schools began to function during the school year 1963/64 and made a significant contribution to the quantitative development of the school system. The Italian report to the OECD, mentioned earlier, indicated that between 1950 and 1970, the number of secondary school

pupils almost tripled, from 800,000 to 2.1 million and at present, during the school year 1987/88, of the 2,650,000 young people between the ages of 11 and 14, there was a 99.5 per cent enrolment, in other words, exactly 2,608,679 (ISTAT data).

145. (b) In 1968, Act No. 144 of 18 March 1968 established the State nursery school - as opposed to the essentially assistence-oriented "child-care centres" existing at the time, and set up by religious or lay institutions - for children in the three to five age group. The purpose of the nursery school, for which International Covenant does not make provision and attendance of which is optional, is to help children to develop their personalities and prepare them for compulsory schooling. The nursery schools were very quickly established: during the school year 1987/88, there were some 28,406 State nursery schools with 67,105 classes, and with 1.6 million pupils, accounting for 88.3 per cent of the children in the three to five age group (ISTAT data).

146. In 1969, the trend already noted in 1962 towards cultural homogenization was seen in two new laws on the senior secondary school and on university entrance. The first of these laws, Act. No. 754 of 20 October 1969, introduced special and complementary courses in the vocational institutes in order to place the latter on the same cultural footing as the other senior secondary schools and even to allow their graduates to enter university. The second law, Act No. 910 of 11 December 1969, permitted graduates of all senior secondary schools who had completed five or four year courses (the latter attending a special annual course) to register in the university faculty of their choice.

147. For the first time in the history of Italian school organization, these laws ended the dichotomy, at least at the institutional level, between pre-university and pre-vocational schools, which had been a basic feature of the previous school system. Furthermore, the division of the senior secondary schools into a multiplicity of types of school that had been created with a view to university entrance, lost its rationale. The unification of these schools into a single entity with diversified branches constitutes the central problem of the senior secondary school reform. Because of the complexity of the problems involved, this reform is still in course of preparation.

148. Before concluding consideration of the evolution of the school system in the 1950s and 1960s, it should be explained that throughout that period the quantitative increase in school enrolment, which had already reached very high levels in primary education, was also observed in the senior secondary schools and in the universities. Between 1950 and 1970, the number of pupils in senior secondary schools (including an extensive network of State vocational institutes developed after the 1950s) quadrupled, increasing from 200,000 to 800,000.

149. The analysis made so far of the development of the school system in the 1950s and 1960s leads us to reiterate what was stated in paragraph 131 about the same period, namely, that it was characterized by an overall quantitative expansion of the school system and its extension to a broader social spectrum.

150. Consequently, it may be said that the first fundamental principle incorporated into the Constitution (art. 3), namely that all citizens have equal social rank, was widely accepted and implemented in the area of education in the 1960s. As we have seen, during that same period, after thorough study and discussion, structural and qualitative innovations were introduced which revealed the need to pursue the second concept incorporated into the Constitution, namely, the democratic administration of all types and levels of school and the development of the school system from the point of view of quality.

### 4. Evolution of the school system in the 1970s and 1980s

151. During the period under review, the quantitative development of school enrolment at all levels continued, although at a slower rate, and except in the primary school, where the increase in the number of pupils was halted in 1972.

152. Since that year, on account of the decline in the birth rate, the number of pupils at this level fell off gradually, from over 4.7 million in the late 1960s (specifically during the school year 1969/70) to 3,370,000 during the school year 1987/88. After the five years of primary school education, the demographic decline also had repercussions on the rate of growth at various kinds of school.

153. It may be noted that a specialized research institute (the Centre for Studies on Social Investments - CENSIS) has already begun to assess, with a very high degree of accuracy, the impact that the demographic development of the population in the 14 to 18 age group (corresponding to the senior secondary education level) may have on the social and school system over five year periods from now to the end of the century.

154. There has been an overall but slower increase in school enrolment at other levels: from the early 1970s to the school year 1987/88, the number of pupils in the State nursery schools increased from around 1.2 million to 1.6 million; in the junior secondary schools from 2.1 million to 2.7 million; and the senior secondary schools from 1.7 million to 2,270,000 and at university from 600,000 to 1.1 million.

155. Obviously, there has been a difference in the dynamics of quantitative development, depending on the level of school and on various other factors. This will be considered more specifically when analysing each level of school.

156. In concluding this description of the quantitative increase in the school system since the 1950s, the school population can be said to have doubled, rising from 6,170,706 in the school year 1950/51 to 11,391,777 in the school year 1987/88. The latter figure includes 1,586,850 children attending State nursery schools.

157. The extent and speed of the quantitative increase in the school system, combined with other general factors linked with the democratic organization of the country have revealed the need for a school that is not merely didactic but social and having very close links with the local community in which it

operates. It was this fundamental need that gave rise in the 1970s to a process of overhauling the school structure and syllabus, a process which continued during the early 1980s and is still going on today.

158. The exceptional evolution of the school system during the period under review is demonstrated by the voluminous legislation by Parliament or, by delegation, the Government. Most of the laws enacted and decrees promulgated will be discussed in the analysis of each level of education or each component of the educational process. However, at this point, special mention should be made of the legislative measures on the school system as a whole in which new trends have emerged that have substantially altered the pyramid-like bureaucratic structure of the school system referred to in paragraph 127 (d).

159. During the period under review (the 1970s and the early 1980s), there have also been innovations in education, in school regulations and structures, in the response to the social institutions, in the retraining of teachers and in documentation.

160. In matters of educational methodology, a very important step was taken, with Act No. 477 of 30 July 1972, mentioned earlier, and more particularly Presidential Decree No. 419 of 31 May 1974, through the "experimentation", that has considerably widened the teaching profession's sphere of autonomy. Initiatives in this area are proposed by the teachers and must be approved by the school teachers' association.

161. After some years' experience in this field, the Scientific and Technical Experimentation Committee was created by a ministerial decree of 27 April 1977, under the Ministry of Education. The Committee is coordinated in commissions for the various educational levels. Provision is made for experimentation even in respect of school regulations and structures.

162. In respect of the response to the social institutions, also using the opportunities afforded by the experimentation, experimental activities have been conducted with a view to extending the time spent in school and integrating handicapped children into the ordinary school structures. These will be discussed later when analysing each educational level.

163. Lastly, the above-mentioned decree No. 149 makes provision for the retraining of teachers in order to ensure the continuous upgrading of their teaching skills and their participation in research into teaching and pedagogical innovation. The decree envisages this training as both a right and an obligation, which is also extended to the administrative and inspection staff. However, many activities of this kind still take the form of personal training because there is also a chronic shortage of training centres.

164. In contrast, the institutions for the collection, elaboration and dissemination of Italian and foreign teaching and pedagogical material and for conducting studies and research into the school organizations of other countries, in particular those of the European Community, are much more advanced. The decree has established the European Education Centre (CEDE), a Pedagogical Documentation Library and for Regional Institutes for Research,

Experimentation and Educational Retraining (IRRSAE). These institutions have already overcome their teething troubles and will play a major role in the cultural administration of the school.

165. As already stated in paragraph 157, the renewal of the school structures and curricula was continued in the 1980s. During those years, the elementary school curricula were revised. In 1979, new regulations governing the secondary school curricula were drafted and in 1980 university education was reorganized and the university institutions granted greater autonomy. In 1981, the regulations governing the marking of secondary school final examinations were defined. These innovations will be dealt with in the analytical study of the various educational levels.

166. Two essential features emerge concerning the evolution of the school system in the 1970s and 1980s. On the one hand, the quantitative increase in school enrolment observed during the 1950s and 1960s continued, accompanied however by a slow-down in that trend, caused by the demographic decline, especially in the nursery schools, but by a net increase in enrolment at the senior secondary level. On the other hand, a process of a complete overhaul of school structures and programmes was started and has continued. The proportion of students entering university is significant, considering that this is occurring at a time when the number of graduates is by no means static but increasing. This trend is probably not an episodic one and is due to the rapid response to labour market developments.

167. In essence, this was a transitional period during which, the basis for a complete overhaul of the Italian educational system was partially laid and partially developed.

168. With regard to compulsory schooling, which has achieved a maximum level of enrolment, one sees a discrepancy in the rates for primary school and the rates for secondary school.

169. For the primary school, which is attended by all children, the rates are constant and linked to the smaller number of pupils repeating a year or pupils who have fallen behind.

170. In contrast, the enrolment rates in the secondary school are continuing to increase because of the pupils who have stayed down, thus extending their stay in school beyond the prescribed three years.

## B. The aims of education under the present school system

171. The educational aims of the Italian school system correspond to those established in article 13 (1), of the International Covenant and may for the most part be inferred from the development of education according to the constitutional principles described in the preceding chapter.

172. The main aims of education are stated in the Covenant, namely "the full development of the human personality and the sense of its dignity" and to "enable all persons to participate effectively in a free society", and, in fact, correspond to the fundamental principles and provisions of the Constitution.

173. For example, article 3 of the Constitution prescribes that all citizens have equal social rank and are equal before the law without distinction and article 34 (1), states that "schools are open to all".

174. Two further constitutional principles contribute towards the attainment of these ends, as well as of that of "strengthening the respect for human rights and fundamental freedoms". They are article 2, in which human rights are declared "inviolable" and are guaranteed to man "both as an individual and in the social organizations where his personality is developed", school being, of course, chronologically the first of such social organizations. The other principle is enshrined in article 4, whose second paragraph proclaims that "each citizen has the duty to exercise in conformity with his own ability and choice an activity or function contributing to the material or spiritual development of society", the school being, once more, the place where the foundations for the exercise of the duty to participate in the social life of the national community are laid.

175. Summing up, it can be said that these principles of the Italian Constitution, like the standards of the International Covenant, place the individual, the development of his personality and his active integration in society at the centre of the educational process which takes place in schools.

176. The starting point for Italian schools is the child's cultural identity, his cognitive and affective potential - which is determined by natural and social factors - and the various learning and behavioural capabilities deriving from them.

177. As far as possible, the schools operate according to individualized criteria in the hope of achieving standard or at least similar results and thus avoiding the pitfalls of marginalization. In other words, they endeavour to promote a positive social climate in everyday school life by adopting methods of group work and reciprocal assistance which encourage the pupils' sense of initiative, reality and responsibility, as well as their ability to take decisions.

178. The fabric of relationships created in the school environment and the learning processes which develop - needless to say, at different rates and with different contents depending on the level reached - offer to all pupils the necessary motivations for acquiring knowledge, defining their own attitudes and behaviour and interiorizing certain values and standards of behaviour. In this way, teaching as such is inseparably linked with education in the broader sense, that is to say with the inculcation of the principles underlying the country's democratic system.

179. The strengthening of respect for human rights, which is one of the objects of education as defined in the Covenant, is pursued by the Italian schools system through the teaching of human rights, not only from the point of view of familiarizing children with the principles on which human rights are based, but also from that of forming a civic awareness and thus bringing the child to a gradual understanding of the rights of the human individual as such as well as of the rights and duties of the citizen.

180. The guidelines issued to teachers provide, to this end, not only for the teaching of human rights and civics as independent subjects within the school syllabus, but also as interdisciplinary subjects. All subjects taught in schools offer opportunities of stimulating the pupil's mind and encouraging him to think and behave in ways which respect human rights. The teaching of human rights and civics at various levels is organized in the manner described below.

181. At primary school, human rights are discussed as part of history and civics courses in the fifth year (ages 10-11); under the new syllabuses for primary schools (Presidential Decree No. 104 of 12 December 1985), which came into force during the school year 1987/88, human rights are taught from the second year (ages 7-8).

182. At junior secondary school, the new syllabuses introduced in 1979 include the study of the Universal Declaration of Human Rights as part of the history course in the second and third years (ages 11-13). Moreover, "rights and duties relating to all forms of social life" are studied in the first and second years (ages 10-12) and "rights and duties of the individual and the citizen", as established by the Constitution and by constitutional texts of other States, especially in Europe, in the third year (ages 13-14) as part of the "civics" programme.

183. At senior secondary school, whose structures and programmes are undergoing a thorough reform, human rights are taught as part of a number of subjects (civics, history, geography, legal subjects), with particular emphasis on the systematic study of the Universal Declaration of Human Rights and of the work of international organizations.

184. At the universities, which enjoy full autonomy in drawing up their own programmes, teaching of human rights is dispensed, in particular, in political science and law faculties; it assumes special importance in the teaching of international law.

185. The objectives of "promoting understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups" and of "furthering the activities of the United Nations", referred to in the International Covenant as essential components of the educational process, are likewise pursued by the Italian schools system.

186. The teaching programmes of all types of schools in all subjects provide for a continuous educational process, both in terms of what is taught and of how it is taught, in order to acquaint pupils with the political, institutional, economic, social and cultural aspects of international problems, and also to encourage them to adopt socially and civically responsible forms of behaviour and to contribute towards the maintenance of peace in the world. These objectives are stated in the introduction to the programmes for unified secondary schools established by Presidential Decree No. 50 of 6 February 1979.

187. In the course of the school year, these problems are specially highlighted on the following occasions:

(a) European schools day, which has been held for almost 25 years and involves competitions and prizes at the national and European levels;

(b) Commemoration of the adoption of the Universal Declaration of Human Rights on 10 December of each year;

(c) United Nations Day, which has been observed regularly since the school year 1968/69 and whose central theme is the importance of the Organization and its activities for the maintenance of peace in the world.

188. Schools of all types take part in these celebrations, which are organized in accordance with Ministry of Education directives, topics proposed at the national and international levels being developed in the form (figurative or linguistic) chosen by the individual schoolchild.

189. Preparations for these celebrations take the form of individual or group research activities, discussions and round tables. Other initiatives may be suggested and implemented by the Council or schools.

190. In addition to the educational activities conducted by schools in order to achieve the above-mentioned objectives, there are also those of the Italian UNESCO Commission which, by agreement with the Ministry of Education, operates through a network of "UNESCO-associated" schools. These are schools of all types and levels, from primary to senior secondary, which, besides the official syllabuses, follow "special study programmes" relating to the United Nations family, peace, human rights, international understanding and the world's major problems in general.

## C. Right to education at the various levels of schooling

### 1. Nursery school

191. As already stated in paragraph 145 (b), the Italian school system includes a level prior to elementary or primary education which is not covered by article 13 of the International Covenant: the State nursery schools for children aged three to five. Attendance at these schools is optional and completely free, and their aim is to help children to develop their personalities and prepare them for the compulsory schooling which begins after their sixth birthday.

192. The introduction of these schools, which were established by Act No. 444 of 18 March 1968, was the subject of long debate owing to the existence of many children's assistance centres, generally called "child-care centres" and set up largely by private, religious or lay institutions. Thus, set against the growing demand for education centres for very young children was the fear that State intervention in this area might have a negative effect on private assistance, which according to article 38 of the Constitution is free. However, the move towards State nursery schools prevailed, schools with

essentially educational aims based on the modern trends in teaching theory and child psychology and thus constituting a reference model for the modernization of the existing private institutions which has in fact gradually come about.

193. The organization of State nursery schools is prescribed in detail not only by the 1968 law which established them, mentioned above, but also by subsequent regulations and laws up to 1978, including a law which provides for disabled children to attend nursery schools. This body of laws and regulations illustrates the special nature of the State nursery schools with regard to their purposes, educational outlook, organization, funding, and provision of competent staff.

194. The State nursery schools quickly became established, and during the school year 1983/84 they numbered 31,243 units with a total of 744,928 children. In the same school year there were 35,130 private nursery-school units with 905,308 children. For the year 1984/85 information broken down between public and private nursery schools is not yet available.

195. On one hand, these figures confirm that the introduction of State nursery schools has not deterred the most worthwhile pre-existing private schools and, on the other hand, they show that State intervention, by concentrating to a large extent on the least developed regions of the country, has corrected relatively quickly the former regional imbalance with regard to opportunities for nursery schooling.

196. In 1984/85 the total enrolment of children aged three to five in State and private nursery schools was 1,639,377, and the corresponding attendance rate was 8 per cent.

197. As already pointed out, the State nursery schools also admit disabled children under Act No. 517 of 1977, in order to help them gradually to overcome, while still young, the serious marginalization which they have suffered. This law displays a very advanced concept of schooling not only from the social and humanitarian standpoint but also by introducing specific forms of "special" education into the normal education process. Thus, these schools are not providing social assistance but rather interdisciplinary education requiring close cooperation between the in-school education services themselves and the external social and health services.

198. The implementation of this law has brought with it considerable organizational and teaching problems, especially for the teachers who have had to change their own approaches to education and their teaching tools. The results appear promising: in just a few years about a quarter of the State nursery schools are taking in disabled children. Similar statistical data are not available for the private schools.

### 2. Primary schools

199. Under current legislation, in particular Presidential Decree No. 503 of 14 June 1955 which prescribes the programmes for primary schools, their task is to provide all citizens with the first level of that "basic training" which is a necessary condition for effective and informed participation in the

life of the national community. In fact the duration of the period of primary schooling ensures a continuous learning experience which is essential during the years when a person's personality is beginning to take definite shape.

200. The next Act, No. 1254 of 24 December 1957, divides primary schooling into two cycles: the first of two years and the second of three years. Entry to the second year of schooling and to each subsequent year is not dependent on examination, and the few cases of refusal of promotion must be supported by a written report from the teachers and by the consenting opinion of the school board.

201. The State primary schools are open to all, as prescribed by the Constitution, with respect to all types and all levels of schooling. Accordingly, all children from linguistic, ethnic or religious minorities and from families of migrant workers and even families of nomads may attend school on an equal footing. Supplementary information on this topic may be found in Italy's reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

202. The situation is different in respect of children with physical or mental disabilities requiring education in special schools, for example blind or deaf children, or in the case of attendance at normal schools by children with other types of disability, when they are supported by the necessary experimentation and adaptation to facilitate their participation.

203. In this area State action was preceded by that of charitable organizations; however, State intervention on behalf of blind children was decisive in the 1950s, and since 1977 it has been directed towards a growing commitment to avoid the marginalization of handicapped children as from nursery school age (as already explained in para. 197).

204. Act No. 1463 of 26 October 1952 provided for State schools for the blind to be instituted by transforming and significantly improving already existing private institutions. Specialized teaching staff appointed on the basis of competitive examinations work in these schools. Furthermore, under Act No. 1396 of 29 October 1960, a national service of directors of elementary schools for the non-sighted was set up.

205. Schools for the deaf and dumb call for special teaching systems in view of the psychophysical condition of the child who, as he is unable to hear, cannot learn to use language and is therefore deprived of the means of communication and of his proper birthright of ideas. By using articulated language, the school creates the means of communication, but this entails a slow-down in the teaching process so that it takes five biennial cycles to complete compulsory schooling which ends at the age of 16. Teachers and directors of schools for the deaf and dumb must hold a special certificate of competence which is acquired in special schools. Act No. 517 of 4 August 1977 provides that the deaf and dumb may be accepted even in ordinary schools at which specialized assistance and the requisite means of support are guaranteed.

206. Even prior to the 1977 Act to which reference has just been made and which is of a general nature, special schools, classes and groups of classes for the mentally retarded and the seriously physically handicapped had

been established, by Presidential Decree No. 970 of 31 October 1975, where specialists work on a permanent basis in the medical, socio-psycho-pedagogical and guidance fields. These schools provide special forms of support on the basis of a programme prepared by the District Council. The administrative and teaching staff who work in these schools must be in possession of a specialist diploma awarded by institutes recognized by the Ministry of Education.

207. In short, there has been much activity and many initiatives aimed at the renewal of the primary school which has to some extent anticipated the innovations introduced under the above-mentioned 1985 Decree, as from the 1987/88 school year. The success of these initiatives on an even wider scale, calls for the retraining of teachers; in this connection, the refresher courses organized by the Ministry of Education and cultural bodies and associations for teachers are already on the increase.

### 3. First stage of secondary education

208. The examination, in chapter I of the evolution of the Italian school system has already highlighted the importance, in broad terms, of the institution of the unified secondary school, which is compulsory and free of charge for all aged from 11 to 14.

209. In embarking upon an analytical examination of this school, at which compulsory education for at least eight years, as required under the Constitution, is completed, it is necessary first of all to explain the process of reform of the first stage of secondary education which led the legislator to provide for its establishment under Act No. 1859 of 31 January 1962.

210. Before this Act was promulgated, the first stage of secondary education was carried out at many kinds of schools which had in common the fact that it lasted for three years but which differed significantly in various respects such as the level of preparation attained by the pupils, and that acquired by the teachers, the value of the diplomas obtained and the various possibilities for further studies offered by each kind of school.

211. In this complex situation, reform of the first stage of secondary education - which was rendered necessary by the extension of compulsory education until at least 14 years of age - necessarily - had to be based on the unification of all existing schools into a single type of school which provides all young people from 11 to 14 years of age with the same opportunities of education at school on an equal footing. It was through this process that there was created the new secondary school, which, simply because it is "unified", has done away in large measure with the socially discriminatory aspects of the previous system.

212. The unification of the various kinds of first stage secondary schools achieved by the 1962 Act elicited a wide variety of conflicting criticism.

213. For this reason the legislature, on the basis of the experience gained with the new secondary school, over a period of more than a decade, and under the influence of criticism that was not so harsh but was nonetheless persistent, made a choice and in 1977 promulgated two acts which have maintained and developed the principles underlying the original reform.

214. The first law - Act No. 384 of 16 June 1977 - abolished the teaching of Latin, made music a compulsory subject and introduced innovations in the organization of language and science teaching. This law prescribed the subjects and corresponding weekly timetables for each of the three streams, and they remain unchanged: Italian - seven hours in the first and second streams and six hours in the third; mathematics, chemistry, physics and other natural sciences - six hours in all three streams; history, civics and geography - four hours in the first and second streams and five hours in the third; foreign language - three hours in all three streams; technology - three hours in all three streams; art - two hours in all three streams; physical education - two hours in all three streams; music - one hour in all three streams; and religious instruction - one hour in all three streams. Religious instruction is currently taught to pupils whose families so request, in accordance with the new agreement of 1984 between Italy and the Holy See. The hours of instruction total 28 per week. The school year is fixed at 215 days, in accordance with the regulation in force in the countries of the European Community.

215. The second law - Act No. 517 of 4 August 1977 - strengthened the democratic nature of secondary schooling by concentrating on the "programming of the curricula" to be followed in every class and every school on the basis of the following criteria: (a) interdisciplinary; (b) tailoring of instruction to the individual; and (c) overall evaluation of each pupil's ability and achievement. This kind of programming has entailed new criteria of school organization and new instruments for the assessment of each pupil, and it has thus also required "support" activities for pupils who need them and "integration" activities, i.e. cultural enrichment for the most talented.

216. Like the primary schools, the secondary schools have also achieved maximum attendance rates. Only in the poorest areas is there still a vestige of avoidance of compulsory secondary schooling, and this could be eliminated by means of careful supervision not only by school-support bodies but also by other local social services.

217. During the school year 1984/85, secondary school enrolment totalled 2,797,766. As in the case of the primary schools, this figure shows (obviously with a time-lag of a few years) a close correlation with the decline in the birth rate.

218. It should also be noted that, while in the primary schools pupils usually obtain the corresponding certificate of education, it is calculated that in the secondary schools 12 per cent of pupils meet the formal obligation by attending school up to the age of 14 but leave before obtaining the certificate.

(a) School attendance by the disabled

219. The integration of disabled pupils in schools of all kinds and levels has played an important role in the process of transformation and innovation in Italy's basic education system during the last decade. In the past, pupils in this category received their education in special schools and institutes independent of the communal schools. This state of affairs continued for

many years while Italy's legislators took no action to change it. And the situation was hardly improved by the formal assertion of the equality of rights of all citizens, including the disabled or backward, made in the Constitution which came into force in 1948.

220. It was not until 1971, following considerable pressure by public opinion which had been alerted by the very extensive propaganda campaign conducted by the association of parents of disabled pupils, that the first significant measures were adopted in this regard. In particular, Act No. 118 of 30 March 1971 was adopted, article 28 of which states: "Compulsory education must be imparted in the ordinary classes of the State school, except in those cases where the pupils have serious mental deficiencies or physical infirmities that preclude or render difficult their integration or participation in these ordinary classes".

221. This law remained in abeyance for a long time, but it had explosive effects during the protest movement against separate education for young disabled persons. It was then that the process began, at first in an uncoordinated and spontaneous manner, and subsequently regulated by laws and Ministerial Circulars which led to the general implementation of article 28 of Act No. 118/1971.

222. The most important legislative measures that followed Act. No. 118 are:

Presidential Decree No. 970, of 31 October 1975, which regulates the sector of "schools having special objectives" and lays down rules for the organization of two-year specialization courses for the administrative, teaching and educational-assistance staff appointed to the institutions and schools which have admitted disabled pupils;

Act. No. 360 of 11 May 1976 which provides for compulsory schooling for blind children even in the ordinary classes of State schools;

Act. No. 517 of 4 August 1977 on the grading of pupils and on amendments to the regulations concerning compulsory schooling. This rule reflects in legal language the "new way of organizing schools" long advocated by a broad movement among contemporary educators and which is a precondition for bringing about the integration of disabled pupils in secondary schools; schools are empowered to organize complementary school activities in order to carry out individualized activities related to the requirements of each pupil. Provision is made in the context of these activities for "the implementation of methods of integration for pupils with disabilities". Article 10 provides for compulsory schooling for deaf and dumb children in the ordinary classes of State schools;

Presidential Decree No. 384 of 27 April 1978: regulations for the elimination of architectural barriers, provided by article 27 of Act. No. 118 of 30 March 1971;

Act No. 833 of 23 December 1978, which establishes the National Health Service and transfers psycho-medical care services for the entire school population, including disabled persons, to the Local Health Units (USL).

223. As well as the laws promulgated by Parliament there have also been many regional laws on assistance and the right to study.

224. The transition from the system of separate special schools to the system whereby disabled pupils were integrated in communal schools threw the existing structures of the Ministry of Education into disarray.

225. What was involved was no longer, as in the past, providing a few thousand specialized teachers for the special classes and furnishing those classes with what had become standardized conventional assistance. Instead, it was necessary to arrange for the entire basic school system (i.e. hundreds of thousands of classes) to admit to children with infirmities or, at any event, special difficulties in adjusting and learning.

226. It has to be recognized that one of the main difficulties was to qualify the teaching staff to enable it to cope with the new tasks resulting from the change in educational policy.

227. The problem of qualifying the teaching staff, in the phase of separate education in special classes for the disabled and "differential" classes for backward children had been resolved fairly satisfactorily in the Italian school system. Indeed, there were good teachers specializing in the various kinds of disability for which schools and classes were organized, and special education had achieved on the whole a fairly high level of efficiency.

228. Nowadays, what is involved is no longer merely training a few thousand specialists (the number of teachers in special schools) but preparing all teachers in primary schools opened to the integration process for the new responsibilities that have been entrusted to them.

229. The undertaking is important and vast since it concerns hundreds of thousands of teachers who would be affected during their careers by training and refresher courses.

230. Presidential Decree No. 970 of 31 October 1975, already mentioned, lay down specific rules for the specialization courses organized for the administrative, teaching and educational assistance staff appointed to the institutions and schools admitting disabled pupils. At present in Italy there are 93 two-year specialization courses in operation, subdivided into 70 courses for psychophysical handicapped persons; 10 courses for sightless persons; 13 courses for deaf persons.

231. A system of refresher courses has been launched, with a developing network of initiatives at the provincial, district and school level, in accordance with a plan formulated by the Studies and Programming Bureau of the Ministry. From 1977 to 1980, 546 training courses were conducted for inspection, administrative and teaching staff on the integration in the school system of disabled pupils. Of these courses, 513 were carried out with State funding and 33 with funding by other agencies.

232. With the admission of disabled pupils to the ordinary classes of primary schools and the gradual decline in the number of special classes, the problem arose of providing non-specialized teachers with assistance in order to ease the admission and integration of disabled persons in their classes.

233. Thus, a new category of teacher came into existence, known as "a support teacher", who is assigned to classes attended by disabled pupils and in which the maximum number of pupils was reduced from 25 to 20.

234. The legislative origin of this new elementary and secondary school teacher can be found in articles 2 and 7 of Act. No. 517 of 4 August 1977.

235. The term "support teacher" (interchangeable with "auxiliary", "assistant", "ancillary", "back-up") was adopted officially for the first time in Ministerial Circular No. 199 of 20 July 1979 which set a number of criteria for information purposes in respect of measures to integrate disabled pupils in the ordinary schools.

(b) The support services

236. Another problem of enormous concern to schools admitting disabled persons is the lack of an adequate network of health, rehabilitation and assistance services in Italy to which they can apply in case of need.

237. It is a fact that the school, alone, cannot do everything. Even during schooling certain pupils need health care, assistance and social services which in Italy come within the competence of the local government authorities.

238. The situation may be summed up in the light of the data provided and reflections made:

(a) The admission of handicapped pupils to the ordinary schools is proceeding rapidly from the quantitative point of view; this does not mean that integration is always qualitatively acceptable.

(b) The methods of integration are, for the most part left to the initiative of each teacher since as yet there are no unequivocal and clear operational guidelines.

(c) Reactions inside and outside the school are mainly positive. Even the parents of normal pupils now accept the presence of disabled children side by side with their own children.

(d) The primary school and the secondary school are proceeding independently, i.e. without organic links, in implementation of Act No. 517 of 4 August 1977 and the nursery school is inexplicably excluded from this process (at the expense of prevention at an early age).

(e) The training courses promoted by the Ministry of Education and by the IRRSAE are well received by the teaching and administrative staff of schools but they are insufficient to meet the existing demand for them.

(f) The two-year specialization courses are too slow and do not provide any incentive to graduate teachers, particularly secondary school teachers, to attend them.

(g) Schools are not assured of the inputs they need from the social, health and rehabilitation services.

239. In conclusion, many difficulties impede the process of integrating disabled pupils in basic education. However, this process must be considered as one of the most important factors of change in educational procedures in Italy. The integration of the disabled in schools is a goal sought by the Italian education system and towards which very considerable progress has been made in recent years.

## D. Upper secondary education

240. The Italian upper secondary school system comprises five types of school: high school, teacher training school, technical school, art school and vocational school; each in turn is subdivided into a variable number of types and subtypes. If one goes into somewhat greater detail, one has the following subdivision:

(a) High school education lasting five years: three types of high school (classical, scientific and linguistic);

(b) Teacher training school education: two streams (four-year "teacher training institute" and three-year teacher training school);

(c) Technical education lasting five years: nine basic types (agricultural, trade, surveying, nautical, industrial, domestic science, business, tourist, aeronautical) in turn subdivided into a large number of streams reaching the number of 29 in the industrial institutes;

(d) Vocational training: six streams (agricultural, industrial, merchant navy, hotel-keeping, domestic science); each stream is subdivided into a very large number of skilled specializations. Taking into consideration only those existing throughout the country (62) and disregarding the more numerous at the local level (96), the specializations may be broken down as follows: 24 in the industrial sector, 15 in the domestic science sector, 12 in agriculture, 7 in trade and 4 in the hotel sector;

(e) Artistic education; it consists of a four-year course at a high school for art and a course at an art institute (three years which may be extended to five years).

241. In all, the Italian secondary institutes award 301 diplomas.

242. This structure is not only extremely complex, but also very inflexible, and there is no possibility to change from one type of school to another. The system for transferring from one school to another through examinations in additional subjects is very limited in scope, because it requires private preparation. To all intents and purposes, once a pupil has chosen a particular track, his educational fate is virtually sealed.

243. These choices are determined by a number of complex subjective and objective factors associated not only with the employment market but also with local geographical conditions, existing educational institutions and the social background of the pupils.

244. The backwardness of such a dismembered and inflexible school structure has been the subject of criticism for many years, and when the unified first stage secondary education system was introduced (Act No. 1859 of 31 December 1962), it also became urgently necessary to consider how to bring the senior secondary schools into line with the changed school-organization structure, especially in light of the sharp increase in the number of secondary school pupils (416,000 pupils in senior secondary schools in the school year 1951/52; 1,732,000 in 1971/72; and 2,547,000 in 1984/85).

245. Over the past 20 years, many reform projects have been drafted, either by government bodies or at their instigation, or by associations of teachers and education experts, or by political parties.

246. Initially, the predominant view was that the traditional secondary school division should remain substantially unchanged; at the same time, partial modifications should be made to reduce the barriers between the various fields of study, which should be made more homogenous, and it should become easier for a pupil to move from one to another.

247. A second reform proposal drafted at the end of the 1960s foresaw schooling in single-structure institutes that prepared for both future employment and university studies while gradually reducing the link binding the various types of preparation to particular occupations.

248. A third draft act focused on the most recent political trends in educational structures and secondary school goals. The reform was based upon the following elements:

(a) A unified concept of secondary school, the aim being to provide a basic education that attenuates the differentiation in the various fields of study;

(b) Linking schooling and vocational training to ensure an osmosis between the educational system and the working world;

(c) Elimination of the vocational aspect from the unified school system, which should give young people a cultural basis that enables them to continue their studies at the university or to pursue a specific vocational training in courses organized at regional level or by the vocational training system. The senior secondary school course, which lasts five years and is open to pupils having completed the first stage of secondary school, would replace all types of senior secondary school provided under the regulations currently in force.

249. In particular, the senior secondary schools would have a unified structure with emphasis on the various sectors of vocational training. Under such a system, the first and second years emphasize guidance and allow the pupils to verify the choices they made at the beginning of the first year.

250. During the five-year cycle, pupils must take at least one foreign language and may take another if they wish.

251. The options as a whole should include all skills that are of use for entry into both the world of work and institutions of higher learning. The options will be divided into four sectors: (a) artistic; (b) language, literature, history and philosophy; (c) the social sciences; and (d) natural sciences, mathematics and technology.

252. The five-year course of study in the senior secondary school will conclude with final examinations, which will have the value of a State examination. At the end of the cycle, a diploma will be issued that can be used for obtaining employment or for sitting the competitive examinations for the Civil Service.

253. Pending the organic law for the reform of the senior secondary school, the Ministry of Education adopted a decree (Presidential Decree No. 419 of 31 May 1974) to continue the experiment. The breakdown of schools participating in the experiment is as follows: 50 per cent of the participating institutes are technical schools and vocational schools; 40 per cent are classical, scientific or teacher-training schools; and the other 10 per cent are other types of schools.

254. The law that currently governs education in classical and scientific secondary schools is Royal Decree No. 1054 of 6 May 1923, to which a number of minor amendments have been made. A classical education used to be divided into two stages: the five-year gymnasium and the three-year lycée. Upon the introduction of the unified junior secondary school (Act No. 1859/1962), the first three years of gymnasium were abolished, leaving only the last two years of the second stage. As in the case of all other branches of the second stage of secondary schooling, a diploma (licenza) is required from the junior secondary school in order to be able to enter the gymnasium. At the end of the gymnasium course, a State examination (maturità), gives access to all university faculties. In the school year 1984/85, there were 46,700 pupils in the first year, the total number of pupils reaching 206,648. In the school year 1983/84, 37,785 pupils were awarded the licenza.

255. The technical secondary schools were created as a result of the breakup of the modern section of the gymnasium and lycée. The wider access to all the university faculties provided by Act No. 910 of 11 December 1969 led to a sharp increase in the numbers of pupils attending this type of school, which in this respect has out-performed the traditional lycée. In 1984/85 first-year enrolments were 82,172 and total enrolments 351,402, and licenziati numbered 61,424 in 1983/84.

256. The teacher-training schools are designed specifically to train elementary-school teachers. At present the duration of the course is still four years. Graduates of teacher-training schools receive a qualifying certificate for admission to the teacher-training faculty; under Act No. 910, for admission to all the other university faculties they must complete a supplementary one-year course, after the standard four years.

257. In 1984/85 first-year enrolments in teacher-training schools were 44,805 and total enrolments 181,992, and in 1983/84 46,131 students obtained their diploma.

## 1. Art education

258. For a long time art education was not regulated by any organic laws; the art institutes, academies of fine arts and conservatories were all governed by their own statutes which could not be reduced to a unified system.

259. It was established that art should be taught in the following types of institute: (a) art institutes; (b) art secondary schools, academies of fine arts and higher schools of architecture; (c) conservatories of music and schools of dramatic art.

260. Specifically, the aim of the art schools and art institutes was to train pupils in artistic work and to produce works of art, according to the traditions, industries and raw materials of each region.

261. The art schools disappeared with the introduction of the junior secondary schools, and the three-year art institutes now award a certificate guaranteeing the holder admission to the academies of fine arts and to the qualifying course for the teaching of design and art history (Ministerial Decree of 2 March 1972).

262. Act No. 692 of 14 September 1970 prescribes two-year courses in the art institutes which extend the total period of study to five years and provide young people with a cultural and artistic training of the standard of the five-year senior secondary-school course. The maturità diploma awarded for the five-year course is valid for careers in management and for enrolment in the university faculties pursuant to article 3 of the Act of 27 October 1969.

263. The art secondary schools offer a four-year course designed to prepare pupils for the specialized study of painting, sculpture, decorating, scenography and architecture, by means of general instruction in art and culture. Pupils graduating from the art secondary schools may gain admission to all the university faculties except for the teacher-training faculty. In addition, the art maturità guarantees pupils access to the course conferring the qualifying certificate for the teaching of drawing.

264. In the case of the academies of fine arts, the 1923 decree established four-year courses in painting, sculpture and decorating; a course in scenography, also of four years' duration, was established in the academies at Milan, Bologna and Rome. Royal Decree No. 3123 of 1923 which regulates the organization of the academies of fine arts is still in force. Admission to these academies is by means of the art maturità and the licenza of the art institutes, or by examination. The licenza examination is held at the end of the four-year course and it cannot be taken by outside candidates. The licenza diplomas awarded on completion of the courses of the academies of fine arts are valid only as academic qualifications and do not constitute qualifying certificates for the teaching of drawing and art history (Royal Decree No. 3129 of 1923); this qualifying certificate can be obtained by successful completion of the training course for the certificate (Ministerial Decree of 2 March 1972).

265. The National Academy of Dramatic Art, established by Royal Decree No. 742 of 25 April 1938, is designed to train stage actors and directors. The course lasts three years. There is then a fourth year of further training; admission is by examination. A licenza is awarded after examinations at the end of the course. A school of dance offering an eight-year course was included in the Academy, with a view to training dancers (Act No. 165 of 22 February 1940); this school was transformed, pursuant to Decree Law No. 1236 of 7 May 1948, into an independent National Academy of Dance. This Academy offers an eight-year course, including secondary schooling, for training in classical dance, and a three-year further training course for soloists, teachers, choreographers and composers.

### 2. The Conservatory of Music

266. The Conservatory of Music is designed to provide its pupils with a musical education. It was established, as a State school, by Royal Decree No. 1945 of 11 December 1930, and the regulations contained in this decree are still in force. Admission to the Conservatory is by the licenza of the junior secondary schools. The corresponding diploma is awarded on completion of the higher courses, while pupils completing the lower and middle levels are awarded a certificate of completion of the period of study in question (Royal Decree cited above).

### 3. Training institutes for specialized teaching staff

267. Teachers for pupils with physical or mental infirmities are trained at special institutes. Among these, mention should be made of the following:

(a) The "Romagnoli" State Institute for teachers of the blind, which offers two-year courses to an unlimited number of blind applicants and a limited number of normally-sighted applicants. It also offers one-year courses for normally-sighted applicants already in possession of a diploma from the Higher Institute of Physical Education. Some one-year courses are set aside for blind students in possession of the diploma in musical composition and choral conducting or of the diploma in organ-playing or piano-playing (Presidential Decree No. 292 of 4 March 1964). Upon completion of the course, students are awarded the special diploma for teachers of the blind.

(b) Orthophrenic schools.

Presidential Decree No. 970 of 31 October 1975 provides for a qualification for teachers at special-purpose schools, which is obtained after a three-year course of study at schools or institutes recognized by the Ministry of Education.

### 4. Technical institutes

268. Technical institutes are intended for training young people to exercise professions in the fields of agriculture, industry and tourism. Upon completing one of the courses, each of which covers a period of five years, the students are required to pass a State examination in order to obtain the appropriate diploma.

269. There are at present nine types of technical institutes, as follows:

(a) The commercial technical institute for book-keepers and accountants;

(b) The technical institute of tourism, whose syllabus includes periods of traineeship with tourist agencies;

(c) The institute for business experts and foreign-language correspondents, whose chief purpose is to offer a thorough acquaintance with industrial enterprise management and foreign languages;

(d) The agricultural technical institute, which trains agricultural experts capable of running an agricultural estate;

(e) The industrial technical institute, which offers 29 specialized study sectors to young people wishing to exercise middle-level professional duties in various productive sectors;

(f) The technical institute for surveyors;

(g) The aeronautical technical institute. Two specialized study sectors, for air navigation and air navigation assistance respectively, are offered during the three senior years. The aeronautical expert's diploma is awarded upon completion of one of the following specialized courses: (i) probationer pilot or (ii) probationer assistant navigator or navigator;

(h) The naval technical institute. This includes three sections which award diplomas of, respectively, merchant navy captain, ship's engineer and shipbuilding designer. In addition to the diploma, candidates are required to pass technical and practical tests;

(i) The women's technical institute, which offers training in domestic science and in women's professions.

All the technical institutes offer six-year (instead of five-year) evening courses for students already in employment.

Special courses in computer programming, special engineering schools and post-diploma courses for further study of one of the diploma subjects are also provided.

The maturità obtained at the end of a five years' course confers a certificate qualifying the student to exercise the profession which corresponds to the type of institute he has attended and entitles him to enter any university faculty.

The number of first-year students at technical institutes during the school year 1984/85 was 282,162; the total number of students at technical institutes in 1984/85 was 1,156,221, and the number of students awarded the maturità in 1984 was 375,559.

### 5. Vocational teaching establishments

270. Vocational education is dispensed at special secondary schools institutionally designed to offer vocational training in all sectors of work activity.

271. Like the technical institutes, these institutes have gradually become more specialized. There are currently six types of institute: agriculture, industry and crafts, maritime activities, trade, tourism and hotel-keeping and women's activities.

272. Act No. 754 of 27 October 1969 introduced in State vocational institutes on an experimental basis pending the reform of upper secondary education as from the school year 1969/70, annual, biennial or triennial special courses aimed at accentuating the cultural aspect of secondary education, with a view to providing students with cultural and practical training in senior secondary schools, with a five-year course. At the end of the five-year course, students sit the State examination for the vocational maturità, valid for admission to careers in management and all bachelor level university courses. In 1984/85 there were 153,112 first-year students enrolled in the vocational institutes; total students in all year levels numbered 493,711 in 1984/85; 33,285 obtained the maturità in 1984.

## E. University studies

### 1. Ministry of Higher Education Scientific and Technological Research

273. In implementation of article 9 of the Constitution, Act No. 168 of 9 May 1989 established the Ministry of Higher Education and Scientific and Technical Research. This Ministry was created with the intention of supporting the Ministry of Education and cooperating with it in science and technology development programmes.

274. The Minister's major areas of competence include:

(a) Programming of three-year university development plans;

(b) Development and approval of scientific research plans, with the cooperation of the National Science and Technology Board (CNST);

(c) Distribution of the credits contained in the Ministry's budget;

(d) Coordination of activities related to Italy's participation in university education programmes in agreement with the Minister of Foreign Affairs and the Minister for the Coordination of Community Policies;

(e) Coordination of research functions with the Minister of Education, for the purpose of fostering research in the area of education.

275. It should be noted that the Minister also has an important responsibility as a member of the Interministerial Committee on the Coordination of Industrial Policy (CIPI): this allows a harmonious balance to be maintained between industry and the scientific world.

276. Universities and research bodies are guaranteed autonomy by article 6 of the Act establishing the Ministry and governing the relations among the various university institutes, in the context of and with respect for mutual autonomy. This autonomy includes:

(a) Financial and accounting autonomy of the universities;

(b) Autonomy of research bodies.

## 2. The Universities

277. The 1948 Constitution granted full teaching and administrative autonomy to the universities, but until 1969 the organization of studies remained basically the same as that set out in the single text adopted by Royal Decree No. 1592 of 31 August 1933 and by Royal Decree No. 1652 of 30 December 1938.

278. The issue of university reform was taken up again by the political parties and the Government in terms of reform that was more organic. In 1969, the parliamentary debate on reform produced a number of conclusions which appeared to be the subject of sufficient consensus; thus it was felt that the time had come to implement a few of those innovations. That came about with Act No. 910 of 11 December 1969, which, while also addressing a number of lesser matters, introduced two options that changed considerably the characteristics of Italian universities: the wider access to university and the possibility for students to propose to the faculties study plans different from the official models. These norms are still in force.

279. As for the substance of the reform, in 1970 an anticipatory measure was adopted (Act No. 924) which did not concern students but rather university centres and teachers.

280. The university centres, which had remained virtually unchanged until the late 1950s (in the form of State and free institutions, that is, empowered to grant recognized degrees), had increased during the 1960s in a rather uncontrolled way, nearly always - in the absence of any planning - as a result of specific local pressure.

281. It should be recalled that in Italy, the legislation in question provided, on the one hand for State universities established by law and completely dependent on public finance, and, on the other, for free universities, which, while having the same teaching organization as the first category and using teaching staff with the same status as the staff employed in State institutions, are not dependent on the State.

282. During the years immediately following Act No. 924, there was only one innovative measure relating to the universities: in the more general context of redefining the powers of the State and local institutions, Presidential Decree No. 616 of 24 July 1977 assigned to the regions all tasks relating to the implementation of the right to study (University Foundations). Despite the start of a debate in the Senate in 1977-1978, however, the reform was not carried through; indeed, the "emergency measures" remained partially

unimplemented (for example, regarding the programming of the centres, and the second and third sessions of the competitive examinations for 2,500 teaching posts). Upon expiry of the four-year contracts and other training scholarships, extensions were resorted to, in a situation where the failure to increase tenured staff made "precariousness" the most pressing problem.

283. Act No. 31 of 7 February 1989 reformed the minister's advisory body on university issues; the National Education Council had been established by the 1974 decrees. Within it, the former first section of the previous Higher Council (with competence for university issues) had remained unchanged. The National University Council (CUN) was thus established, with advisory tasks similar to the previous ones but a changed membership. Entirely elective, with all components widely represented, it has acquired considerable de facto importance in recent years, both because it has been assigned wider powers by subsequent measures and because it is sufficiently representative of the entire university milieu, even if its distribution into electoral colleges corresponding to the various faculties does not allow for a proper balance, by favouring the smaller faculties.

284. The role of the university as the main centre for scientific research is being finalized decisively. This statement is not only one of principle in that, by constituting a national register of research, the role of the university scientific milieu being enhanced within the committee it supervises, and also because the credits for research to be conducted with the help of self-produced funds have increased significantly. A system for the transfer of these funds has also been worked out, partly local (60 per cent) and partly national (40 per cent); for this purpose special scientific committees have been set up for every sphere of research; they depend on the CUN at the national level and are chaired by one of its representatives, but the rest of their membership is composed of researchers directly elected by all teaching staff in the scientific sector in question. In relation to the scientific role of the university, the "research doctorate" is an "academic title that can be evaluated only in the context of scientific research". Its introduction rectifies a serious omission, since until now the Italian education system provided only for the academic degree, which confers the title of "doctor" at the conclusion of the ordinary course of study for all students. Courses for the doctorate are held in the university centre or groups of centres associated for this purpose, and are recognized by the CUN as having appropriate structures and competence; admission is by competitive examination for a specific number of places available, which carry scholarships, and completion of the course requires a dissertation with original contributions, which is judged by national committees formed annually for each group of disciplines. International contacts are being developed, either by making provision for the universities that grant doctorates to operate, through conventions, with foreign scientific centres, or by authorizing those who follow the course to attend foreign institutions particularly qualified for their respective sector, for up to one half of their training programme. The doctoral courses began during the academic year 1981/82; 487 courses in 36 universities have already been approved by the CUN, nearly all conducted by university centres grouped into consortia. They correspond to a total of 12 scientific categories that are separate but differ only slightly from each other; a total of 2,103 posts are filled by competitive examination.

285. As for the creation of opportunities for experimentation, ad hoc committees are envisaged in every university to coordinate and monitor progress in that area. Furthermore, admissible experimental structures or initiatives have already been defined by Decree No. 332 in some detail, especially the fact that they are not replacements but additions to the ordinary courses. A typical case is the "department", considered for years, in debates on the university, as its fundamental organizational instrument, capable of overcoming both compartmentalization among the various faculties and the narrowness of the traditional scientific institute representing a single type of education or at any rate a rather limited sector. The norms studied here grant the department real powers only with regard to promoting and coordinating teachers' research activities, whereas the faculty continues to exercise authority for all matters relating to curricula and staff coverage, as well as the organization of the teaching, which is decided on in staff meetings.

286. The theory concerning departments, even if launched with those limits, has met with a broad measure of agreement; the CUN has established certain criteria and certain requirements for setting up departments in the various universities (the main requirements call for a minimum number of 16 teachers, which may be increased in the major universities, and establish a prohibition on duplication of departments in the same field of research in one university). Many universities have already formally set up a number of departments.

University installations

287. The issue of university installations was dealt with by Act No. 590 of 14 August 1982, adopted by the Parliament after a laborious process.

288. The most notable feature of this legislation is the placing under State control of certain free universities created as a result of local initiatives, whose maintenance the central authorities had long been called upon to take over. This measure, despite its limits due to the need to deal with certain situations that could no longer be ignored, consists of the following:

(a) an initial programming effort throughout the national territory (four-year plans are envisaged);

(b) an attempt at better rationalization of the higher education institutions located in the territory.

Admission to higher education in Italy

289. Admission to university is exceptionally easy in Italy, compared to the situation in most of the other OECD member countries. Any student who has passed the maturità is automatically entitled to a place. There is no selection procedure based on other tests or examinations organized by the university or on interviews with candidates for the purpose of ascertaining their ability. Moreover, there is no selection based on the marks obtained on the marks obtained on the maturità (to have passed the examination is sufficient) or the opinion that the secondary school teachers have formed of their students' abilities.

290. This unconditional admission system offers several advantages. It is simple, direct and uncontroversial; it avoids lengthy and laborious selection procedures that might require a considerable amount of extra work for universities and secondary schools. It is also devoid of any type of implicit or explicit discrimination towards certain categories of candidates. For example, a young person from a school that is not well known for the number of its pupils who have attended university is more likely to be able to go on to higher education than his counterpart in other countries. Similarly, students who grew up amid financial difficulties, or who might suffer because their families have no knowledge or experience of higher education, may have less difficulty in finding a place at university under this open régime in which there are no regulations or conditions of admissibility.

291. In 1969 a new law granted the right of "free admission" to anyone who had completed the five years of secondary school. This "free admission" meant that candidates could enrol in the faculty of their choice, whatever the specialization of the secondary institute attended by them.

292. There is no doubt that the expansion resulting from the "free admission" policy helped to increase the proportion of women and students from working class families in Italian universities. In 1960, 13.9 per cent of students enrolled in the first year were the children of workers. In 1973-1974, this proportion rose to 23 per cent. In 1964-1965, 34.2 per cent of university students were female. In 1977-1978 this proportion rose to 41 per cent. Nevertheless, those two categories are still under-represented in the universities, since the drop-out rate in secondary school is higher among children of workers than other categories. Differences are also noted in the university enrolment rate among those who have completed the second stage of secondary studies: approximately 70 per cent of them go on to higher education. However, although 30.2 per cent of maturità holders are children of workers, only 23.3 per cent of all those who enrol in university belong to this category. The situation is the opposite for those whose parents are in the liberal professions or in senior management positions. While they represent 8.9 per cent of maturità holders, they account for 10.7 per cent of new enrolments in university. Furthermore, whereas nearly all those who obtain a classical maturità enrol in university, the percentage drops to 50 per cent for those who have attended vocational schools or technical institutes. The proportion of young people of working-class origin is too low in the first institutes and too high in the second.

293. Although the "free admission" system has many advantages in all cases, it is not without a number of shortcomings that are widely recognized in Italy: it leads to a lack of balance between secondary and higher studies, and as well as overcrowding in certain faculties at the expense of others. It also has one of the highest drop-out rates in the OECD member countries.

Statistical data

294. Even in the universities, the increase in enrolment appears to be gradually falling off. The universities experienced their time of maximum expansion in the 1960s, when the increase in enrolments exceeded 11 per cent each year; this expansion continued at sustained, although less impressive,

rates in the early 1970s, and from 1975 onwards it came to a virtual halt, showing only a slight consolidation, due mainly to the earlier increase in enrolments and to the increase in outside auditors.

295. The university enrolment boom has often been attributed to the measure liberalizing access, which enabled graduates of all types of secondary schools to enter any university faculty.

296. In fact, a thorough analysis of available data shows that this increase only occurred to a notable extent in the early 1970s, and that it was attributable to late entry by students, whose options had been limited in the past, rather than to an increased tendency on the part of the "regular" secondary school pupils to enrol in university. More than enything else, the liberalization has changed the academic composition within each faculty, by allowing all students access to any type of education.

297. Regarding the overall number of degrees awarded, it is interesting to note that the highest increase in the number of students who obtained a degree occurred during the decade 1964-1974. During that decade, the number of students leaving the university increased two and a half times. Later, perhaps also due to difficulties encountered in the labour market, many students dropped out of university or slowed down their university studies, so that the overall number of graduates remained stationary, at approximately 70,000. Regarding the type of degree, the most consistent trends were an increase in degrees in medicine and a decrease in degrees in the literary faculties.

The right to education

298. The right to education has its fundamental source in article 34 of the Constitution, which states: "Schools are open to all ... Capable and deserving students, even if without means, have the right to attain the highest grades of education. The Republic implements this right through scholarships, grants to families and other types of assistance, awarded on the basis of competitive examinations". In accordance with this principle, the State must guarantee everyone access to all grades of education. Of course, since the pursuit of an education places a heavy burden on students' families, the State must guarantee the right to education, including at the university level, to all deserving and capable students, even if without means. The community therefore assumes responsibility for supporting these young people in order to benefit later from their capacities and aptitudes, which would otherwise be lost. The constitutional rule also indicates the means by which this right is to be implemented, namely through education grants and other types of assistance such as housing, canteens, books, sports facilities, medical assistance, etc. The activities of the regions and of public bodies set up to assist university students, as well as of the university foundations, are particularly important in this regard.

Taxes, surtaxes and contributions

299. Taxes, surtaxes and contributions are financial charges payable by students and levied in proportion to the education received. As such they are taxes in the strict sense. The financing system for universities is a mixed

system. Universities are financed largely by the State itself, and for the remaining part by means of taxes which are paid directly to the universities by the students, the nature and amount of these taxes being fixed not by decision of the universities but in accordance with State law. There is a system of self-financing, which is deferred to the decisions of the governing body of each university, and this is funded by contributions for libraries and institutes, the contributions for this purpose varying from one faculty to another. The free universities, that is universities not founded by the State (see above) but legally recognized by it, are self-financing, although they can - and actually do - receive voluntary contributions, albeit very small, from the State.

Exemption from taxes, surtaxes and contributions

300. Such exemptions can be obtained by all students provided that they are:

(a) Deserving and not financially well off;

(b) Recipients of an education grant (Act No. 910 of 11 December 1969);

(c) Persons with the status of war orphan, disabled ex-servicemen and related categories, provided that they do not stand to make a profit and are not financially well off; or

(d) Italian citizens who belong to families which have emigrated and who reside permanently abroad, or students who are foreign citizens holding scholarship from the Italian State or Italian institutions.

Education grant

301. The education grant was instituted by Act No. 80 of 14 February 1963. It is awarded by competitive examination subject to the requirements formally laid down by the law. The grant is incompatible with salaries, other education allowances, etc., and the student has to choose between them. Deserving students in financially difficult circumstances as determined by family income may compete for the education grant. The Ministry of Education allocates the funds intended for education grants to each university annually on the basis of the number of students enrolled in regular study courses and taking into account the subdivision between residents and non-residents. Each university foundation then arranges to share out the amount among the various faculties in proportion to the number of students enrolled.

Scholarships

302. Scholarships are divided into two categories: those providing assistance and those intended for training and specialization. The scholarships consist of financial aid, free places in colleges or boarding establishments, books, payment of students' taxes, etc. They may be awarded by the Ministry of Education and the university foundations for purposes of assistance, normally under the competitive examination procedure, or by other ministries (such as the Ministry of Foreign Affairs) or public or private bodies for the purposes of training and specialization. The private bodies may be enterprises, foundations or individuals offering such scholarships on their own terms and conditions.

University foundations

303. The university foundations are essential public bodies set up at each university with the aim of promoting, implementing and coordinating the various forms of material, moral and educational assistance to students (art. 189, Consolidated Text of Acts on Higher Education). Under article 44 of Presidential Decree No. 616 of 24 July 1977, "the administrative functions exercised by the State for the provision of educational assistance to university students shall be transferred, for their respective territories, to the regions ...". This provision means that the university foundations will of necessity cease to exist as autonomous bodies and become part of the system of regional administration.

304. The purpose of the university foundation is to promote, implement and reorganize the various forms of assistance, preferably in the form of services to university students, in implementation of the right to education under article 34 of the Constitution. The institutional purposes of the foundation are:

(a) The allocation of university education grants in money and services and the holding of competitive examinations in accordance with the applicable rules;

(b) The provision and management of accommodation facilities (lodgings, halls of residence, colleges) and canteens for students. Accommodation is made available to students through public support;

(c) The organization of a free or partly free health service which provides regular check-ups on the health of university students and, where appropriate, prescribes courses of treatment;

(d) The institution of scholarships to be awarded by competitive examination to needy and deserving students;

(e) The granting, where appropriate, of incentive awards to students who are particularly deserving or in especially difficult financial circumstances;

(f) Any other form of moral or material assistance that is not contrary to the applicable rules or the institutional purposes of the body.

3. Students with disabilities

305. The right to education, guaranteed by the Constitution, is implemented at the university level almost exclusively through financial aid (scholarships, grants, etc.). A fundamental right such as the right to education therefore remains a pure declaration of intent in the case of students affected by a physical infirmity, loss of sight and/or hearing.

306. In its Circular No. 700 of 14 October 1980, the Ministry of Education addressed the problem of physically disabled students. In this connection, the academic authorities were reminded of the legislative provision aimed at eliminating "architectural barriers" (art. 27 of Act No. 118/71, as implemented by Presidential Decree No. 348/78) and it was pointed out that

existing shortcomings could - and can - be overcome by taking all appropriate steps to facilitate the integration of disabled persons, which is a cultural problem and not only a problem for medical and social science. Three types of problems relating to university students with disabilities may, albeit summarily, be distinguished:

(a) Ambient problems, relating to both the physical and the psychological environment;

(b) Administrative and bureaucratic problems (suffice it to recall the cost to the university);

(c) Parallel problems (for example, canteens, meeting places, etc.).

307. Some of the solutions suggested by cognitive studies undertaken inter alia in the EEC countries may be noted here. As regards the physically disabled in particular, arrangements should be made first of all to remove the obstacles to "locomotion" from the home to the faculty and inside the faculty (this may be facilitated by specially designed lifts and ramps, toilet facilities for persons totally or partially unable to use their legs, efficient direction signs to avoid unnecessary movement). With reference specifically to the blind, arrangements could be made to provide them with texts in Braille corresponding to those required for examinations, as well as to record texts and notes on magnetic tape. In addition, study groups should be encouraged, along with the installation of functional centres for consultation and registration. Lastly, with regard to the hard of hearing, it has been suggested that video tapes and other visual and graphic aids should be provided.

308. As a result of the creation of new university centres, some of the quantitative regional imbalances in the university system have been reduced. However, with 40 per cent of the total national student population aged between 20 and 25 years, southern Italy (Mezzogiorno) still suffers from serious deficiencies: the number of faculties amounts to 35 per cent of the total for Italy but there are too few established posts for lecturers, the proportion of research doctorates is even lower, and some students from the Mezzogiorno prefer or are forced to pursue their academic studies in the northern universities. In addition to the imbalances between the two zones (Centre-North and Mezzogiorno), there are serious territorial imbalances in Mezzogiorno, where some regions such as Molise, Basilicata and Calabria are far less well equipped than others. This affects some of the major universities - Bari, Naples and Palermo - which are overcrowded even for this region.

## F. Right to fundamental education

309. The Italian educational system offers literacy courses designed to provide basic knowledge to adults without the elementary licenza. These courses therefore serve to meet the objectives set forth in article 13, paragraph 2 (c) of the International Covenant. The literacy courses may be held during the day or in the evening and are organized by the peripheral bodies of the Ministry of Education at elementary schools or factories, on farms, in barracks, hospitals, prisons and any other place where the need arises.

310. Experimental secondary school courses for workers are organized by the Ministry of Education for the cultural advancement of workers, as provided for by collective agreements. These courses last for a total of no less than 350 hours, of which 150 hours are counted as time off from work but paid at the regular rate by the employer. At the end of the courses the pupils take the first stage secondary school examination. In 1982/83, 5,362 courses were dispensed to 97,916 pupils, 79,901 of whom obtained the licenza for the first-stage of secondary education. These courses have been extended to include unemployed workers.

Adult education

311. In the area of adult education, the most important innovation has without doubt been the introduction of experimental courses for workers wishing to complete their compulsory schooling (150 hours).

312. This initiative, which originated in the framework of paid leave for training activities, enables workers attending such courses to obtain the licenza for the first stage of secondary education with one year of school attendance, following programmes which take special account of the experience of these particular learners. These courses began in 1974 with 38,700 registered students and, although giving rise to some debate, they rapidly expanded, passing the figure of 100,000 registered students in 1980. It should be noted that the social composition of these courses has since changed considerably: they are attended by increasing numbers of non-workers, that is housewives and young persons aged 18 to 20 - who take advantage of this opportunity to obtain the licenza for the first stage of secondary education.

313. Obviously, the provision of such possibilities eventually shifted the demand for extra tuition to these courses and away from the more traditional ones (Cracis courses) since, in terms of length and content, they more closely resemble the teaching at "ordinary" secondary schools than the 150-hour courses. For that reason, the expansion of the 150-hour courses eventually coincided with the decline of the Cracis courses.

314. The traditional refresher courses are also in sharp decline. Although at one time very heavily attended (in 1952 they had more than half-a-million registered students), these courses have gradually become less important, partly because of the smaller number of people potentially interested in this option.

315. It should moreover be pointed out that, as far as the Ministry of Education is concerned, this activity is to be considered a residual one since responsibility for adult education has been transferred to the regions. Consequently, the organization of activities for the older age groups is now a matter for the regional system.

Political and administrative organization of the educational system: specific institutional functions

316. The Minister of Education has overall political responsibility for the organization of the educational system. As the most senior official, the Minister may issue instructions, send out circulars, promulgate regulations,

amend or annul ex officio or by derogation any unlawful or inappropriate measures taken by subordinate authorities and make final decisions on administrative appeals (art. 4, Royal Decree No. 1733, 1923).

317. The most important duties of the central ministerial bodies may be summarized as follows:

(a) Promotion of public education;

(b) Establishment of schools of all kinds and at all levels throughout the national territory;

(c) Supervision of the functioning of educational institutions;

(d) Realization of freedom of education, understood as autonomy of thought and function, as a characteristic element of the State schools;

(e) Supervision of the activities of private educational institutions;

(f) Protection of citizens' constitutional right to education;

(g) Promotion, coordination and organization of adult education courses;

(h) Development of university education and scientific research while respecting the autonomy of the universities and other higher educational institutions;

(i) Promotion, in cooperation with the other competent bodies, of activities for the dissemination of the Italian language and culture abroad and the constant improvement of international relations;

(j) Cooperation with the regional and local authorities in the development of national programmes;

(k) Programming, reinforcement and verification through competitive examinations and training courses for teachers and school directors.

318. Reports on the situation regarding education in the country over the past few years have highlighted the constant evolution of the educational system in quantitative and qualitative terms. The incapacity of the educational system (which is, however, continuing to expand its institutional machinery) to cope on its own with a great variety of training requirements has led to the creation of a broader and more flexible training system which emphasizes continuity and not competition between formal school instruction, the requirements for extramural training and the various means of promoting cultural activities and access to information.

319. The Census data available for 1981 confirm the rising standards of formal education among the population. Between 1951 and the present day, the changes have been significant:

(a) Illiteracy, which in 1951 affected 12.9 per cent of the population, has now been reduced to 3 per cent; and, since this phenomenon is confined almost entirely to the older population, it may be regarded as in the process of disappearing;

(b) A substantial section of the population, as much as 18.2 per cent, nevertheless remains poorly educated and is highly prone to regressional illiteracy;

(c) As regards middle-level education, there continues to be a large proportion of persons obtaining the licenza for the first stage of secondary education, their numbers increasing from 5.9 per cent in 1951 to 23.9 per cent in 1981;

(d) The increase is very marked for persons obtaining diplomas on completing the second stage of secondary education, who now make up 11 per cent of the population; the same is true for graduates, who have increased to 2.7 per cent from 1.0 per cent in 1951.

320. The data broken down by region (for 1971-1981) show that illiteracy is more prevalent in the south (6.3 per cent as against 0.6 per cent in the north); the proportion of diploma and degree holders, on the other hand, is more comparable in the three geographical zones.

321. An examination by population age groups of trends in school attendance shows that:

(a) For the 6-13 age group, a 100 per cent school attendance rate has been virtually achieved;

(b) For the following age group (14 to 18 years), school attendance now covers 51 per cent of the population, but there has been a significant increase as it was 9.3 per cent in 1951;

(c) For the population from 19 to 24 years of age school attendance is 21.8 per cent.

Even in the case of higher education, the increase has been remarkable.

322. There has thus been a very marked increase during those years, in the levels of formal education of the population.

### 1. Private schools

323. Italian regulations contain no rule which restricts the right of parents or legal guardians to choose a school, whether public or private, for their children. On the contrary, article 33 of the Italian Constitution stipulates that "the law, in laying down the rights and obligations of schools which are not State schools and which request parity, must guarantee such schools complete freedom and [must guarantee] their pupils treatment at school equivalent to that received by pupils at State schools". The opportunity to make a choice in the matter of the education of one's own children is thus part of the individual freedoms, as is also apparent from articles 147 and 155

of the Civil Code. This choice is further guaranteed by the Convention for the Protection of the Human Rights and Fundamental Liberties as may be inferred from article 2 of the Additional Protocol of 20 March 1952.

324. The following principles which are central to the educational system have been elevated to constitutional level, and are guaranteed as such, under Article 33 (1) of the Constitution: freedom of education, educational pluralism, freedom of non-State school, and State examinations. Accordingly, "the right to establish schools and educational establishments" comes within the context of the exercise of the private rights, the only limits being those laid down by law to protect the public interest. The principle of "conformity" with the corresponding State school, which can be inferred from the legal provisions, remains unaffected.

325. The choice of a private school in Italy has always been confined to a minority of pupils. This is due to a number of reasons:

(a) economic reasons linked to the cost of boarding schools. It must be noted that, apart from nursery schools, private schools do not receive State subsidies;

(b) ideological reasons linked to the denominational nature of a large number of private establishments;

(c) qualitative reasons linked to teaching standards.

326. It is therefore possible to see why, until the end of the 1970s, private schools were not only chosen by a small proportion of the population but were also in constant decline. For instance, the number of children enrolled in elementary schools dropped from 7.6 per cent to 6.9 per cent; in the first stage of secondary education, from 7 per cent to 4 per cent; and in the second stage of secondary schooling, from 14.3 per cent to 9.9 per cent.

Recent years have, however, seen a significant reversal of that trend. What happened is that, whereas the State schools were paying the penalty, in terms of quality, for the frenzied expansion of the preceding years, which resulted in new categories of students entering school and in many teachers being brought in without the necessary checks, as well as for the lack of direction that followed on the 1968 student protest movement, the private schools took on an aspect of greater stability and became to many parents, more reliable. In addition, many private schools managed to anticipate family needs by arranging for extended hours and for extramural activities (such as music and swimming classes). It must however be noted that the increase in the numbers enrolled in private schools, when last analysed, has remained more or less static and that it is currently stationary.

327. In all, there are 1,572,000 pupils at non-State schools, or 14.2 per cent of the number at State schools. It may be said, and this is confirmed by statistical data, that the choice of a private school is a phenomenon peculiar to the large towns, particularly in the central/northern area, and is determined not only on ideological or other grounds but also by distance and individual family situations.

## IV. ARTICLE 15

328. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

329. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

330. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

331. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific and cultural fields.

### A. Trends in State intervention for the promotion of culture

332. The hallmark of Italian State intervention for the promotion of culture is its continuity, especially in the areas of the protection of the national artistic heritage: Act No. 1089 of 1939, which laid the foundations for State intervention and scientific research, Act No. 2895 of 1923 which established the National Research Council, and Decree-Laws No. 82 of 1945 and No. 283 of 1963, which respectively reactivated the Council and the extended scope of activity to the social sciences. Nevertheless, the new Constitution, which was promulgated in December 1947 was to have considerable influence on cultural policy. It set forth the general principles and the specific rules governing in particular schools as well as cultural institutions. The most important articles of the Constitution for this study are articles 9 ("The Republic promotes the development of culture and scientific and technical research"), 33 and 34.

333. Article 33 provides that:

> "Art and science are free and the teaching thereof is free.
>
> The Republic prescribes general rules on education and establishes State schools of all types and grades.
>
> Private groups and individuals have the right to establish schools and educational institutes without State support.

The law, in specifying the rights and obligations of non-State schools requesting parity of status, provides for their complete freedom and assures to their pupils a treatment equivalent in every way to that of pupils of the State schools.

State examinations are prescribed for admission to the various grades and orders of schools and for the termination of studies and also for qualification for professional practice.

Institutes of high culture, universities and academies have the right to self-rule within the rights prescribed by the laws of the State".

334. Article 34 reads as follows:

"Schools are open to all.

Primary education is compulsory and free of charge for at least eight years.

Capable and deserving students, even if without means, have the right to attain the highest grades of education.

The Republic implements this right through scholarships, grants to families and other types of assistance, awarded on the basis of competitive examinations."

335. Other important articles dealing with cultural policy are: article 17 (freedom of assembly), article 18 (freedom of association) and article 21 (the right to free expression of opinion). These very general principles are nevertheless very extensive. Their historical and ethical value is without question. They stem from events lived through by the entire national community and are based on universally shared hopes.

336. Underlying other trends in Italian cultural policy are an awareness of historical and social reality and the administrative experience acquired by the State over almost a century. This holds good for the measures relating to the protection of cultural property and the development of scientific research and information media as well as the measures to assist intellectuals. The protection of cultural property is linked to the rapid pace of social and historical evolution promoted hand in hand with an ideal of individual and community development.

337. The protection of the cultural heritage has been extended to include nature. Act No. 585 of 2 June 1956 constitutes a first attempt at defence against the destruction threatening the artistic and natural heritage. The protection of natural property and of the landscape will only, however, be really effective in conjunction with an organizational law on urbanization.

338. Today, the development of the information media is essential to the community, which is called upon to participate more fully in the high level political decisions. Information must be modernized and should help, particularly in democratic régimes, to mature public opinion.

339. The problems of information are linked to the problems raised by the use of what is called "leisure" time. These are problems of both recreation and training. The press, radio and television are the tools of communication which the authorities can and should utilize. In Italy, they have made considerable use of them, while respecting the free expression of opinions and the contribution of private initiative.

340. Special departments of the Office of the President of the Council ensure the centralization and dissemination of dependable and reliable information on many aspects of national life. The Government has granted subsidies to periodical cultural publications and seeing the need to intervene to assist the daily and periodical press, it has appointed a commission to draft a special bill.

341. The recreation phenomenon leads to a discussion of entertainment for which a special ministry was created in 1959. Government action has taken the form of subsidies to private industry in the case of the cinema and in the case of the theatre - at the level of local administrations, it has taken the form of establishing permanent theatres, which are subsidized by the provinces and the communes. The particular and indeed international importance of the work of the experimental cinema centre founded in 1935 has been recognized. Festivals organized by the autonomous administrations (for example, the Venice Biennale) or by the communes and provinces have drawn the attention of cinema producers to cultural needs and outlets, thus minimizing the often adverse effects on quality of market demands.

342. Italy's cultural policy has perhaps best reflected its basic inspiration - which can be summed up in two words, freedom and development - in its respect for individual creative autonomy and in the practical assistance given by the State to creative talent - writers, critics and scientists - whose contribution is now recognized and appreciated at its t ue value.

### B. Participation through the enjoyment of cultural property

343. The guarantee of joint participation in cultural life is defined as a guarantee of the enjoyment by everyone of cultural property, respecting, where necessary, the need for its conservation. To this end, Italian legislation in its wider formulation of "cultural property" through the establishment of the Ministry of Culture and the Environment (Presidential Decree No. 657, of 14 December 1974), provides for access to the enjoyment of a very large number of cultural tools in structures which make for different forms of creative expression, such as the didactic - informative and the specialized teaching information.

344. The State's continuing commitment to the preservation and enhancement of cultural property, thus guarantees the opportunity for its enjoyment. In order to disseminate the enjoyment of cultural property as widely as possible and to bring it closer to all cultural needs, Italian legislation, in pursuance of its cultural decentralization policy, provides for each local and regional community to have the right and the resources to formulate and implement its own cultural policy (ranging from the conservation of cultural

property to the right to study) in light of its own invividual cultural traditions, its existing infrastructure, the extent and nature of its range of action, as well as the cultural characteristics of its population.

345. The idea of establishing a Ministry of Culture and the Environment hypostasizes a function of protection and registration of the "cultural" in order to make its enjoyment and dissemination generally available. For example, the act of placing a particular archaeological area under its protection demonstrates the State's clear intention to divest this property of its individual interest and to make it an object received and shared, of common enjoyment. This concept does not prevent the State from promoting and sponsoring cultural activitites, which should not, however, be understood as reflecting an official view of culture.

### C. Schools

346. The main tool by which the State carries out its own acculturation activities and thus strives for the participation of everyone in cultural life is undoubtedly the school. Without going into the details of the various levels of school activity, it is worth while to emphasize that the decrees of 1974, by allowing all the forces of society to make their contribution, have led to a very high level of participation by all sectors in the management of education. This is done with the assistance of representative special groups which monitor the participation of teachers and pupils, and by the parents' representatives in the primary and secondary schools. As a way of achieving a wide dissemination of the cultural activities for which the schools should serve as a centre and a point of reference.

### D. The Ministry of Culture and the Environment

347. The work of this Ministry is regarded as crucial in the sense proposed above of "conservation for the common enjoyment of the cultural heritage". The central and peripheral levels are coordinated in such a way as to ensure the control, management and promotion of the cultural heritage in the very broad sense in which it is construed in the law quoted above: "... the Ministry of Culture and the Environment, established by the Act of 29 January 1975, provide for the protection and enhancement of the cultural, environmental, architectural, archaeological, artistic and historical, property as well as of archives and books ...".

348. The ongoing didactic activities organized by museums, galleries, various specialized institutes, libraries and archives are proving to be particularly relevant for the purposes of participation.

### E. Entertainment and communication

349. The encouragement of theatrical, cinematographic and musical activity intended specifically to disseminate cultural events widely, is one of the sectors in which a State defrays cultural expenditures; this enables individuals to participate effectively in cultural life within the limits of an economic threshold set as low as possible.

## F. Cinema

350. Financial intervention by the State in the cinema sector is effected in three main and often concurrent ways: direct subsidies, financing on favourable terms, and tax reductions. Subsidies are given for film production and ventures designed to foster the cultural cinema. Financing, in the form of loans made on easy terms, applies to production activities as well as to exploitation, distribution, export and technical industries; tax reductions apply solely to the cinematographic industry. Contributions to promote cinematographic production, as provided for under Act No. 1213 of 4 November 1965 (Measures to promote the cinema), amended by Act No. 286 of 22 June 1975, apply to full-length films, short films, newsreels, and children's films.

351. Lastly, article 45 of Act No. 1213 (Special fund to develop and increase the productivity of cinematographic activities) provides for direct subsidies to activities and events organized with a view to the development of the cinema in the artistic, cultural and technical fields. The subsidies are granted on the advice of the Central Commission for the Cinema in the light of programmes of work. Also, under a recent Act, No. 182 of 10 May 1983, a special fund of Lit 2,000 million has been set up to subsidize activities to promote Italian films abroad.

Financing, for production as well as for exploitation, distribution, export and the technical industries, is governed by Act No. 819 of 14 August 1971, and subsequent amendments and additions, under which, by virtue of the appropriation of a certain proportion of the national budget - spread over several financial years in some cases - special funds have been set up for production, exploitation, distribution, export and the technical industries. Under article 28 of Act No. 1213 a special fund for cinematographic cooperatives has been set up.

## G. Tax reductions

352. The device of tax reductions is used exclusively to promote the cinema and is effected by "granting reductions" on the entertainment tax levied on box office takings for the protection of Italian films.

## H. Musical performances

353. State intervention to assist the performance of music is organized mainly for:

(a) Operatic and symphonic bodies (public bodies);

(b) The traditional theatre (17 are currently being promoted by public bodies);

(c) Orchestral concert institutions (nine orchestras have been thus designated under the terms of Act No. 800);

(d) Seasonal opera festivals in the provinces (organized by regional public bodies);

(e) Concerts and ballet;

(f) Festivals, revues, competitions, classes, promotional events and brass bands.

This sector is in the throes of expansion, particularly as regards concerts. Act No. 800 of 1967 has undoubtedly contributed to the growth and expansion of music in Italy.

## H. Drama

The dramatic arts theatre is experiencing constant expansion and growth and is currently undergoing far-reaching and significant changes. The various legislative provisions introduced thus far have provided merely for the adjustment of the funds to be allocated to support various measures, while the criteria and procedures for action have been and are being dealt with at the administrative level by ministerial circulars. As well as the traditional form of artistic expression, the whole range of theatrical activity is being enriched by new subjects, formulas and trends of expression that attest to the vitality of a complex and multi-faceted phenomenon which it is difficult to fit within a schematic straitjacket.

354. The funds available for theatrical activity under the chapters of the budget are apportioned among publicly-run theatres, privately-run companies, cooperative groups, theatrical bodies and institutions, special events and initiatives, summer theatre, experimental theatre, musical comedies, provincial tours, children's theatre, street theatre, theatre managers, smaller groups, and university theatres. So far as "primary" activities of theatrical production are concerned, 100 theatrical cooperatives, 75 privately-run companies and 87 experimental groups have received financial support from the State in addition to the 12 permanent theatres and two new publicly promoted ventures.

## I. Equestrian circuses and travelling shows

355. State intervention in this sector is provided for under Act No. 337 of 18 March 1968 and takes the form of participation in the cost of restoring, and if necessary modernizing, equipment destroyed or damaged as a result of an Act of God or of special and proven difficulties of management (up to Lit 3.5 million). A fund of Lit 5 million has been set up under Act No. 390 of 29 July 1980 to enable enterprises providing this kind of entertainment to obtain loans on the grounds stated above.

## J. Television broadcasting systems

356. The impartiality of the communications and information system is guaranteed by the State by means of the rules embodied in the convention concluded with the RAI (Italian radio-television), a body which is supervised by a special Parliamentary Commission. Article 1 of the law specifies that: "The broadcasting of radio programmes by Hertzian waves or, at the national level, by cable or by any other means, constitutes, in accordance with article 43 of the Constitution, an "essential" public service which is "of preeminently general interest", inasmuch as it is intended to increase the

participation of the population in the social and cultural development of the country in conformity with the principles enshrined in the Constitution. The service is therefore reserved for the State. Independence, objectivity and open-mindedness towards the various political, social and cultural trends, while respecting the freedoms guaranteed by the Constitution, constitute the fundamental principles governing the public television broadcasting service. Article 6 specifies: " ... the norms to be formulated by the Parliamentary Commission shall be based on:

'(a) The requirement of guaranteeing pluralism in respect of opinions and of political and cultural trends;

(b) The importance of the social, cultural and information interests of the proposals made by those concerned;

(c) The requirement of ensuring the variety of programmes.'"

357. Since the RAI is organized into three sectors "information, entertainment and culture", it devotes over one quarter of its annual air time to educational and cultural programmes through a special School-Education Department (DSE). A decisive step has been taken towards participation in cultural life by instituting the right of access to radio broadcasting and television on the part of ordinary individuals bearing a communication in the public interest who request such participation. In addition, the introduction by the RAI of the third television chain, reserved for regional area broadcasting, has given greater prominence to the problems of participation in the local communities, thereby also permitting the survival of minority cultures and the involvement of wider audiences in the social life of ethnic and/or all linguistic minority groups in the regional framework. Lastly, the participation in the cultural life of the country by minority groups is also facilitated by radio and television programmes in the German, Ladino and French languages as well as by sound radio broadcasts in Slovene, which the RAI carries out on the basis of special conventions provided for in Act No. 103/1975 (illustrated below) and concluded between the RAI and the Office of the President of the Council of Ministers.

358. The activity of the RAI as public concessionary must, however, be viewed in conjunction with the so-called "mixed system" under which, parallel with the public service monopoly for broadcasting at the national level, there are the activities of local private transmitters at the local level which, notwithstanding their purely commercial character, in that they are financed by advertising, play an important role in the development of Italian cultural life.

359. The mixed system is regulated not only by Act No. 103/1975 already mentioned but also by the following rulings:

(a) Constitutional Court Judgement No. 202/1976, which liberalized broadcasting at the local level;

(b) Constitutional Court Judgement No. 148/1981, which made it possible to transmit advertising from foreign broadcasting stations;

(c) Legislative Decree No. 807 of 6 December 1984, converted into Act No. 10 of 4 February 1985, which provides as follows:

(i) That sound and television broadcasting is reserved to the State over the whole of Italian territory and can be the subject of a concession to a corporation of national interest;

(ii) That a national plan for the allocation of frequencies shall be established;

(iii) That the factual situation as at 1 October 1984 shall be deemed legitimate;

(iv) That it will be possible for the same pre-recorded programme to be transmitted by several different broadcasting stations;

(v) Transmission time must be reserved for Italian films and films from EEC countries - the share being 25 per cent, increased to 40 per cent as from 1 July 1986;

(vi) That a maximum limit be set for advertising programmes (16 per cent of weekly transmission time and 20 per cent per hour);

(vii) Rules governing the organs of the RAI (President, Director-General, Administrative Council, etc).

This law, however, is a transitional measure which will apply until the approval of the general law on the radio-television system and will not in any case be in force for more than six months after the entry into effect of that general law.

360. There has been subsequently only one decree, converted into Act No. 397 of 2 August 1985, which extended the validity of that transitional measure, that have now lapsed altogether. This is when the Constitutional Court handed down its judgement No. 826 of 13 July 1988 which held it legitimate in constitutional law to reserve to the State radio-television activities, but nevertheless considered that:

(a) Act No. 10/85, which allows the conduct of radio-television activities outside the local framework, is constitutionally legitimate, because of the provisional nature of that legislation, whose overall approach appears directed to the future reform of the radio-television system;

(b) Because of the said provisional nature of the law, there remains no disparity of treatment with regard to broadcasting stations which are set up after the entry into force of that law.

361. On 6 August 1990, Act No. 223 was approved, regulating the public and private radio-television system. Article 1 of the Act lays down the principles governing the management and broadcasting of radio and television programmes; these can be summed up as: pluralism, objectivity, total impartiality of information, open-mindedness towards the various different opinions and political, social, cultural and religious trends with due respect

for freedoms as guaranteed by the Constitution. Such are the fundamental principles of the radio-television system which is being run with the participation of public and private bodies in accordance with the present law. According to that law, the broadcasting of radio and television programmes may, by concession, be entrusted to:

(a) Private individuals of Italian nationality;

(b) The bodies mentioned in article 12 of the Civil Code;

(c) Companies organized in Italy or in other States belonging to the European Economic Community.

362. It is appropriate to stress the special importance of article 8, which contains provisions on the broadcasting of advertising. Article 8 specifies: "Radio and television advertising must not offend the dignity of the individual, must not evoke discriminations based on race, sex or nationality, must not give offence to religious convictions and ideals, must not promote behaviour harmful to health, security or the environment and must not cause moral or physical harm to minors; furthermore, advertising may not be introduced into cartoon programmes. Television and radio advertising must be recognizable as such and must be separate from the rest of the programme by clearly perceptible optical or acoustic means.

363. All the foregoing is based on the whole body of provisions contained in the Directive of 3 October 1989 of the Council of the European Communities (89/552/CEE) whereby advertising breaks during the transmission of theatrical, cinematographic, operatic and musical performances is allowed during those intervals which are customary in cinemas and theatres.

## K. Cultural Centres in the communes and regions

364. Closer by their very nature to the problems of cultural participation at the peripheral level, whether regional or municipal, cultural centres have, particularly in recent years, become the moving force behind major mass cultural events. The unquestionable merit of these bodies has been to promote an active participation by individuals and local associations in cultural events which, by virtue of their dimensions and their depth, at any rate with regard to the amount of information disseminated, have been remarkably successful in stimulating cultural life.

## L. The Cultural Institutes

365. There are approximately 650 such State-subsidized institutes for promoting and disseminating culture. These bodies stimulate an active participation in the various aspects of cultural life, in particular certain sectors of research and recreational activities.

## M. The National Research Council

366. The National Research Council seeks to identify and promote research and studies which are in the avant garde of contemporary cultural production; as

such, it ensures that the institutions entrusted with disseminating information on culture and encouraging scientific research are given the requisite follow-up and are kept abreast of the latest cultural developments.

## N. Italian Association for International Organizations (SIOI)

367. With a view to furthering understanding for and implementation of the rights enshrined in the Universal Declaration of Human Rights, the Ministry of Foreign Affairs has instructed the Italian Association for International Organizations to create an advisory committee made up of individuals whose training or activity makes them particularly suited for that task. The committee has undertaken various initiatives, including the translation into Italian of the International Covenant on Economic, Social and Cultural Rights, which it has disseminated throughout Italy. Furthermore, the SIOI has sponsored both commemorative and new activities by promoting an understanding and awareness of the value and importance of human dignity.

## O. Tourism

368. Tourism in the year 2000 will also be a cultural phenomenon. That conclusion can be drawn from the political communications of the President of the Council of Ministers, which bring together culture and tourism in the programmes of the Government, and also in the statements of the Minister of Tourism, who has repeatedly stressed the importance of the close link between enhancing cultural wealth and tourism policy. The Ministry has always been conscious of the fact that tourism is one of the main vehicles for utilizing and enhancing not only the environmental, but also the historical and cultural resources present in Italy in such abundance.

369. One example is the special touristic and cultural itineraries project prepared in conjunction with the Ministry of Culture and the Ministry of Southern Affairs and aimed at developing the cultural and environmental heritage of the southern regions. Another example is the abundance of cultural events that take place in Italy every year, and which the Ministry of Tourism has always sought to encourage and expand, including by granting financial assistance as prescribed in Act No. 702 of 4 August 1955, in the light of the diversification of tourism and to satisfy the overall cultural needs of tourists, especially those from other countries.

370. Furthermore, it may be recalled that the Government allocates money from funds provided for under the Act No. 174 of 4 March 1958 to promote the activities of associations that upgrade and defend our historical, artistic and cultural heritage, for example the Archeological Club of Italy, the Dante Alighieri Society, the History and Art Union, etc. In addition, the regions conduct regular and special activities in the context of an intensified cultural tourist policy, focusing, by means of campaigns and a variety of events, on the development of lesser centres and localities that offer features of unquestionable historical and cultural importance.

371. Lastly, the ENIT's activities abroad aimed at promoting tourism follow that general trend; such major events as the Festival of Two Worlds of Spoleto

and the many festivities commemorating famous persons in Italian art and history have been given considerable publicity and have been an enormous success with tourists.

## P. The arts and the artistic legacy

372. The Ministry of Culture and the Environment is responsible for the preservation of the archeological and artistic heritage, monuments and landscape, as well as the conservation and restoration of works of art. The structure of the Ministry is as follows:

(a) Department of Antiquities and the Fine Arts, Academies and Libraries, peripheral bodies of the Ministry of Education, operating in the area of publishing and the dissemination of culture;

(b) Services relating to the State Record Library and the division of information services and literary, artistic and scientific property, under the Office of the President of the Council of Ministers;

(c) The Senior Council of the Antiquities and the Fine Arts, the Senior Council of the Academies and Libraries and related bodies, specified in the decree of the President of the Republic of 30 September 1963, become bodies of the new Ministry, but retain their current structures.

373. The organization allows the Ministry of Culture and the Environment to recast the programmes for safeguarding the artistic, cultural and environmental heritage, in the light also of developments that may come about through cooperation between the various ministries, i.e., in the case at hand, the Ministries of Scientific Research and of Education.

374. The administrative departments include local offices at the regional level called "superintendents' offices" which are responsible for the different categories of cultural property and interests under their control, namely, works of art of classical antiquity, monuments and museums. Their area of jurisdiction coincides for the most part with the regions.

375. Their tasks comprise carrying out archeological excavations and conservation work and running museums, exercising continuous supervision of any activity involving cultural property, including the preservation of landscapes and sites. The superintendents' offices sometimes use the services of volunteer helpers who have the title of honorary inspectors. They are selected from among persons who have a special interest in the study and conservation of cultural property and have been adequately trained. However, their task is simply to assist the superintendents by supplying them with relevant information and by investigating any problems which arise in their area of jurisdiction.

376. The protection of artistic and historical property as well as places of natural beauty and sites is now governed by legislation which makes provision for direct action by the State in the case of certain specific monuments and natural assets. The vast Italian historical, archeological, artistic and natural heritage constantly raises problems as to its protection and

enhancement. Consequently the Government's structures, methods and instruments for administering works of art of classical antiquity and fine arts needs to be adapted.

377. The development of industrial activity and construction has underscored the need to adopt a different approach to the problems of protecting monuments, archaeological sites and the landscape. The problems should not only be studied bearing in mind the different elements concerned but also with a view to their integration in a natural environment that is likely to undergo rapid and sweeping changes. The need to disseminate works of art more widely also poses additional problems. Therefore, new didactic requirements have arisen which must be envisaged in the light of the new dimensions of the contemporary art market and all its implications.

378. These problems were studied in 1964 by the commission of inquiry, mentioned above, set up expressly for this purpose and composed of members of Parliament and leading Italian experts. Its conclusions are contained in a very comprehensive and thorough paper on the question and indicate the kind of Governmental intervention needed to ensure the preservation of cultural landmarks of inestimable value. The Commission of inquiry recommended that the laws governing protection and State administrative structures should be reformed. These two issues are closely linked, because it would obviously be impossible to implement new principles for the conservation and development of artistic and cultural assets without the appropriate structures.

379. The Commission made a point of indicating the direction that future action should take, which may be summed up as follows:

(a) The definition of the concept of cultural and artistic property, which is nowadays seen less in terms of its economic value than its usefulness as a tangible landmark of civilization; the subordination of private rights and interests to the requirements of conservation, development, free study and general enjoyment of the cultural and artistic property thus defined;

(b) A clear statement of the aims of public protection of the artistic heritage, according to modern criteria based on an effective awareness or the true situation, by simplifying various legal issues connected with conservation and development activities; and also through a clearer definition of rights and obligations, subject, however, to the exercise of the rights in question in an atmosphere of genuine cooperation between the State and individuals;

(c) The creation of a special body to enable the Government to exercise direct executive authority and delegate such authority where necessary, in order to ensure the protection of the heritage. This initiative will be far from symbolic and it should, first and foremost, seek forms on preventing clandestine excavation work, theft, illegal exportation, acts of vandalism and the deterioration of the urban and natural environment;

(d) A complete and systematic inventory of anything that may be defined as a part of the historical and artistic heritage of national importance or as a monument that should be classified;

(e) A mandatory undertaking by individuals to respect any conditions and rules concerning the use of real property considered as components of national planning;

(f) The adoption by individuals of measures aimed at encouraging the preservation and development of real property;

(g) The promotion of public ownership particularly in respect of land which has definite archeological value or which could prove to be of archeological value; the encouragement of the cooperation of individuals in excavation work;

(h) A new definition of museums as instruments with an educational purpose and not simply as places of touristic appeal;

(i) The adoption of new regulations concerning the market for art and penalties for any falsification of or trade in works or objets d'art;

(j) The adoption of special measures to assist historical centres threatened by the uncontrolled acceleration of urbanization, which changes their aspect or their artistic natural components; to prevent the abandonment or physical deterioration of many centres, in particular those of lesser importance situated in economically disadvantaged areas;

(k) The transformation and strengthening of the State structures responsible for the protection and development of the artistic and cultural heritage, in order to fit them to the new and recently recognized needs in this area, which are vast, while at the same time paying due attention to the need for better coordination of the competent administrative departments;

(l) The adoption of appropriate financial measures to end the current serious deficiencies arising from the allocation of inadequate funds; and to enable the structures concerned to be combined in an efficient organization;

(m) The training of qualified personnel to carry out the highly specialized and particularly sensitive work involved in the protection and development of the artistic and cultural heritage;

(n) The alerting of the public to the problem of the protection of artistic and cultural assets, giving specific instances of the problem in schools of all categories and levels, as well as through a continuing publicity campaign aimed at the public at large.

380. In respect of museums, it should be recalled that immediately after the war, modernization and organization measures were taken. At present, ways and means are being studied of developing the cultural and pedagogical activities of museums with a view to establishing a fruitful relationship between the public and works of art by promoting the cultural and spiritual development of visitors, especially the young. A commission composed of civil servants, university professors specializing in teaching, and experts on the subject have been requested to formulate specific proposals for the creation of specialized pedagogical sections in museums.

381. The department in charge of classical works of antiquity and fine arts is also responsible for the protection of the urban and extra-urban environment. Firstly, it is concerned with making real property (an area including classified monuments; villas of historical importance; natural curiosities, extensive landscapes etc.) subject to specific obligations in order to prevent any alteration to them without the prior approval of the bodies responsible for their protection. Secondly, it drafts directly the technical and legal instruments which regulate the development of the building industry in those areas. Lastly, the department works together with other competent administrative departments in respect of general town-planning projects.

382. Different institutes perform specific scientific and technical functions. The Central Restoration Institute, with headquarters in Rome, is responsible for undertaking studies and work in the area of the conservation of cultural assets. In addition, its three-year courses, teach the main scientific subjects relating to conservation processes and restoration techniques. In accordance with an agreement reached in 1959 between the Italian Government and UNESCO, the Institute cooperates with the International Centre for the Study of the Preservation and the Restoration of Cultural Property, which is responsible for disseminating, coordinating and promoting research in this area.

383. The National Office of Prints and Engravings deals with the preservation of a large and valuable collection of engravings, drawings and prints dating from the fifteenth century to the present day. It also organizes exhibitions of foreign collections of special interest, and it offers courses of a high level on the preservation of prints and drawings and the preparation of categories of these works.

384. The National Copper Engraving Museum in Rome is responsible for preserving works of the past and for acquiring works by contemporary artists. It organizes exhibitions of engravings by Italian and foreign artists.

385. The Museum of Popular Arts and Traditions plays an important role in disseminating knowledge about popular traditions, both through its exhibitions and its activities to highlight various aspects of Italian folklore. This museum has large collections of handicrafts and works of popular art: costumes, jewellery, engraved and sculptured wood, copper, ceramics, fabrics, masks, prints and carts.

386. The Workshop for Precious Stones restores all kinds of mosaics, marble and stone works and buildings that are decorative in character. The Workshop also carries out research.

387. The National Photographic Laboratory is responsible for preparing photographic documents on movable and fixed artistic material, and for their conservation.

388. The Aerial Photographic Library is responsible for centralizing and keeping an inventory of all the aerial photographs of the archeological areas of the country and for holding them at the disposal of the departments concerned.

389. In the main Italian centres, special departments have been set up to control the exportation of antiquities and works of art and to ban any exports likely to impair the artistic heritage of the nation, in conformity with the current legislation in that regard.

390. If one considers cultural policy as a whole, one sees that the State contributes to the development and dissemination of modern art either through special institutions or by adopting special cultural and artistic promotion measures or, lastly and more directly, by expanding collections of museums of modern art and awarding prizes and study fellowships to encourage young artists.

Q. The moral and material rights of authors and related rights

391. The moral and material rights of authors and the other rights related to the exercise of copyright are fully protected in Italy by articles 2575 and 2583 of the Civil Code and by the special Act No. 633 of 22 April 1941. Furthermore, Italian legislation has formally incorporated all the international treaties on copyright and related rights. The above-mentioned Act No. 633/1941 which was updated by international legislation protects "... creative works in the fields of literature, music, the representational arts, architecture, the theatre, and cinema whatever their mode or form of expression" (art. 1). The legal grounds for the protection of the author are the originality of the creative act as an individual expression of intellectual work.

392. In essence, copyright is fully protected once two conditions are seen to be met:

(a) that the creative nature of the work should not be construed as being absolutely original but rather as being an original expression that projects the personality of the author;

(b) that the work belongs to one of the areas of culture which have been formally categorized in said article 1 of the Act.

393. The author enjoys a series of exclusive rights over his own work, each independently and all constituting the basis of the economic protection afforded him. In essence, then, it is a question of rights: rights of publication, of reproduction, of transcription, in other words, the transformation of the spoken work into written work, of public performance, representation or recitation in public, broadcasting, sale, translation or elaboration in any form.

394. The material rights of authors in Italy are protected without the need for any special procedures; Italian law is therefore fully in conformity with the provisions of the Berne Convention for the Protection of Literary and Artistic Works and it is more liberal than the Convention which does not require member States to abolish any constitutive formalities although it allows such formalities to be superseded wherever they may exist, by means of the fictio legis mentioned in article 3. The restrictions on copyright are contained to the extent possible and concern only the requirements of

instruction, study and criticism and, in a very few cases, the interest of the State. Rights may be directly exercised by the authors or exclusively by the Italian Society of Authors and Editors (SAIE).

395. Apart from exclusive property rights, authors retain the right to claim authorship of a work and to prohibit any kind of distortion, mutilation or any other kind of modification of it or any other act which may detract from the work itself, or tarnish their honour and reputation. The moral right of the author is inalienable and imprescriptible: legal proceedings may be instituted in respect of any act which may damage the work, sully the honour or reputation of the author not only by the author but after his death by his descendants or ascendants as well, or failing that, by the public administration after having heard the competent trade union organization. The protection of the moral right provided for by special Act No. 633, already quoted on several occasions, is of unlimited duration. The right of non-publication and the right to withdraw a work from the market both belong to the sphere of moral right.

396. Italian law provides adequate protection of the rights related to the exercise of copyright, such as the rights of interpreting or performing artists, actors, authors of photographs of no creative value (creative photographs are protected under copyright), producers of sound recordings, of television and radio broadcasting agencies, etc.

## R. Activities at the international level

397. Italy is engaged in many activities in the international sphere, through the intermediary of the Ministry of Foreign Affairs in the context of cultural cooperation, as well as through bilateral agreements and multilateral agreements. These agreements relate to education, culture, scientific research, exchanges of young people and artistic events.

398. Bilateral cultural agreements with some 60 countries cover the following basic sectors:

(a) The teaching of Italian language and culture. This includes such initiatives as:

(i) The organization abroad of refresher courses for Italian teachers and the offer of facilities to them (the period of stay paid and free attendance) for taking Italian university courses;

(ii) Campaigns for the establishment of chairs in Italian language and literature and assistantships in Italian managed by Italian cultural institutes abroad;

(iii) Activities of Italian schools (State or legally recognized schools) and Italian Sections in foreign schools in many countries;

(iv) Courses in Italian language and culture, nearly always as part of the school curriculum of innumerable schools both in the European countries and on other continents.

399. The foregoing initiatives and in particular some clearly directed at countries with sizeable Italian communities, are also intended to give Italian emigrants and their descendants the opportunity to maintain or restore cultural links with their country of origin. Mention may also be made here of the activity of the RAI under a convention with the Office of the President of the Council of Ministers. This involves shortwave radio programmes in 27 languages, directly received by listeners, and radio and television programmes prepared ad hoc for transmission to foreign stations, also including televised Italian language courses which are much appreciated and much in demand, inter alia, among diplomatic missions, universities and foreign cultural institutions. All the RAI foreign service activities are precisely aimed at keeping up the cultural links of Italian emigrants and their descendants with their country of origin, and at disseminating Italian language and culture abroad.

(b) Fellowships. Some 10,000 monthly fellowship payments in various subjects are allocated annually to university students desirous of attending courses at Italian universities or Itanian post-graduate specialization or further training colleges. Fifty per cent of these monthly payments are earmarked for citizens of developing countries.

(c) Exchanges of teachers, researchers and personalities from the world of culture. Numerous exchanges of university teachers and researchers take place for study, research and teaching courses; in addition there are exchanges of personalities from the world of culture, including writers, journalists, artists and experts in many disciplines.

(d) Archaeological missions. A significant aspect of cultural cooperation between Italy and other countries is accounted for by Italian archaeological research abroad in its wider sense, which also includes the study of the territory and the social. economic and human envrionment where ancient civilizations rose and fell. The high level Italian presence in international archaeology is the result of the opening up of our archaeological research to the most modern methodologies which require the representatives of a large number of scientific disciplines alongside the archaeologist per se in order to achieve a proper interdisciplinary view.

400. Most of Italian archaeological research abroad takes the form of bilateral relationships between Italian scientific institutions and their foreign scientific counterparts, nearly always subsequently formalized in extensive scientific and technical cooperation agreements. Nearly all Italian archaeological missions abroad receive assistance from the Ministry of Foreign Affairs. In addition to university institutions (particularly in the Mediterranean area), the Archaeological School of Athens (Greece, Crete and Libya), the Holy Land Delegations (Jordan), the Comuno Centre of Prehistoric Studies (Israel), and the ISMEO (Iran, Pakistan, Yemen) are engaged in archaeological research. For the archaeological sector considered here, it should also be noted that in recent years a remarkable contribution was made,

still under the auspices of the Ministry of Foreign Affairs, to the cooperation with developing countries by the Department for Development Cooperation, the aim of whose activities is the training of local cadres by sending Italian experts in architectural and picture restoration and experts in excavating techniques.

(e) Restoration of works of art and historical and bibliographical material abstracted from the national artistic heritage and taken abroad secretly. The Office of the General Director of Cultural Relations works together with the ministries concerned (Ministry of Culture, Ministry of Justice) to recover works of art illegally exported abroad, and with the assistance of the Ministry of Foreign Affairs in the sphere of international law and, where necessary, in that of diplomatic litigation. The Office of the Director General for Cultural Relations also participates as an observer in the working meetings of the Study Commission for the international protection of workd of art, set up within the Ministry for Culture and the Environment.

(f) Cooperation between records offices, museums, libraries and publishing enterprises. Exchanges of experts, publications and experiences are planned as well as the exchange of experts specializing in the restoration of works of art, books and archive documents. Encouragement is given to publishing enterprises by the organization of book exhibitions, cooperation between publishers, translations of works and literary criticism encounters.

(g) Artistic events. The programmes include cultural initiatives in the cinema (cinema reviews and film festivals), drama and music (concerts and theatre-performances of classical and modern authors), the representational arts (travelling exhibitions on particularly important trends or periods in the history of Italian art and individual exhibitions of the works of world-famous painters and sculptors). Audiovisual materials and radio and television agreements complete these exchanges.

(h) Youth exchanges. By coordinating the activities of the ministries concerned (Ministry of Education, Ministry of the Interior and Office of the President of the Council of Ministers), local communities (communes and regions) and youth associations, a number of bilateral exchange projects have been selected on topics such as: the knowledge of reciprocal cultures and problems of modern societies, with particular emphasis on the situation of young people; in the political sphere importance is given to European unity, world hunger and terrorism; in the social sector, to unemployment, drugs and the integration of the most seriously disabled, the protection of the environment and civil defence have recently also been included.

(i) Cultural institutes. Italian culture is presented abroad through the activities of 79 cultural institutes and individual sections which cooperate in implementing a large number of initiatives, including the activities already mentioned for the dissemination of the Italian language and the organization of artistic events, congresses and meetings that reflect the present state of development of Italian culture and society.

(j) Bilateral scientific and technological cooperation agreements. Scientific and technological cooperation agreements are in force with many countries of Eastern Europe, as well as Asia and the Americas.

(k) Multilateral scientific cooperation programmes.

(i) National programme of research in Antarctica. In the context of the Artartic Treaty, Italian expeditions are already being set up in order to carry out scientific research;

(ii) ICGEB (International Centre for Genetic Engineering and Biotechnology) with offices at Trieste and New Delhi. The Centre is concerned with most up-to-date developments in genetic engineering and biotechnology which, with the use of new products and industrial processes, currently form a basic aspect of the development of a variety of economic activities, such as the food, chemical and pharmaceutical industries, energy and the environment. In addition, its aim is to promote a closer partnership between the industrialized and the developing countries. The Centre is placed under the auspices of UNIDO (United Nations Industrial Development Organization);

(iii) Centre for Theoretical Physics, with headquarters at Trieste. The Centre is placed under the auspices of the IAEA (International Atomic Energy Agency at Vienna). The Centre concerns itself with all problems of theoretical physics as well as solid state, atomic and laser physics, elementary particles, geophysics and the physics of the oceans, the atmosphere, solar energy, reactors, etc. It also provides training activities in the form of courses, seminars and research for scientific personnel from developing countries;

(iv) ESO (European Southern Observatory) with headquarters at Garching, near Munich. This observatory enables Italy's community of astronomers to observe and study the sky in the southern hemisphere through a group of observatories located at La Silla in Chile.

(v) EMBL (European Molecular Biology Laboratory), located at Heidelberg. The laboratory encourages cooperation among European States in fundamental research, devising modern instruments and developing advanced teaching not only in the sphere of molecular biology and in biochemical technologies, but also in other closely-related sectors of research;

(vi) IIASA (International Institute for Applied Systems Analysis) with its headquarters at Vienna. This is an international non-governmental organization, in which the members' contributions are ensured by scientific bodies or specific foundations, set up to facilitate scientific and technological collaboration between East and West on major problems of contemporary society (energy, territorial planning, resources, econometric models, etc.).

(1) Cooperation within the international organizations: EEC, Council of Europe, UNESCO.

(i) EEC. In the context of the European Community, the following may be mentioned as significant examples of international cooperation in the sphere of culture. The Institut Universitaire Européen (European University Institute) is located at Florence, and its objective is to develop the cultural and scientific heritage of Europe by teaching and research on the major movements and institutions characteristic of European history and evolution. This programme of activity comprises a series of projects on topics that have a European dimension and often an interdisciplinary character, in the sphere of the human and social sciences. The Fondation Européenne (European Foundation) was set up at Paris in March 1982 by an agreement between the Community countries. Its task is to enhance understanding among the peoples of the Community, to promote greater familiarity with the European cultural heritage and to develop a better understanding of European integration. While awaiting the completion of the ratification procedures by all the Community countries, a special Preparatory Committee is already in operation and has in particular taken up issues involving audiovisual methods and the learning of modern languages;

(ii) Council of Europe. Italy is following a number of ongoing programmes along with member countries of the Council of Europe, which have signed the European Cultural Convention. The most significant of these include the European Declaration on Cultural Objectives, in which the European Ministers responsible for cultural affairs assert that the ultimate aim of our societies is to enable each individual freely and with full respect for human rights to develop through culture, which constitutes the main factor for the harmonious development of society; the draft study on cultural dynamics in regional development, which stresses the significance and value of culture in social and economic development, particularly locally and regionally; the draft study on the promotion of creation vis-à-vis the development of the culture industries, with a view to developing spaces for creation and expression, exchanges of creative artists and their freedom of movement, the democratic use of new communications technologies and measures taken by the authorities vis-à-vis the culture industries; the project for migrant workers to maintain cultural links with their country of origin; major European art exhibitions;

(iii) UNESCO. Mention should be made of Italy's participation in the following intergovernmental programmes through ad hoc committees set up in relation with the National Research Council (CNR): MAB (Man and the Biosphere) the aim of which is to study the problems of man-biosphere interactions and the preservation of the conditions essential for life, and interactions between

natural and human ecosystems. Italy has contributed specific research to the project on urban ecosystems and the project on island ecosystems; IOC (Intergovernmental Oceanographic Commission), which promotes marine research in the domain of food resources and related climatic and atmospheric phenomena: IHP (International Hydrological Programme) which studies the phenomena of the hydrosphere, the prospection and evaluation of underground and surface water resources; IGCP (International Geological Correlation Programme) the aim of which is to promote research on fundamental geological problems, the prospection and assessment of natural resources and better protection and use of the environment. In addition, Italy is a member of numerous committees for the protection of the world heritage and has acceded to a large number of UNESCO conventions on cultural and scientific matters. Lastly, in the context of the Osimo Agreements, mention may be made of steps taken to support cultural activities and initiatives for the preservation of links with the history and traditions of the Italian ethnic group in Yugoslavia and its relations with its country of origin;

(m) Scientific research (R & D). Research and development activity is carried out by public institutions and by enterprises. Government institutions include research establishments, university institutes, State administration, regional institutions and other public establishments; the enterprises include State-owned public enterprises, independent managements and private enterprises. In terms of expenditure, public sector research and development (37.9 per cent of the total) was still far less than that of the enterprises in 1963, but by 1967 it was nearly the same. Over the next few years, the difference between the two sectors widened and there was a growing trend for the expenditures of enterprises to exceed those of the public sector; in 1979, the situation of the the two sectors was not very different from that 16 years earlier. Since then the government bodies have made up ground in terms of expenditure.

401. The research carried out directly in State laboratories relies on limited funds, the rates of development of which in the course of the years have been more restricted than those of the universities and other public bodies. With a quota which was barely less than that of the research bodies, (CNR, ENEA) in 1963, the universities achieved their maximum expansion during the second half of the 1960s. Since then, their role in terms of expenditure has gradually declined and by the mid-1980s it had levelled out at slightly less than 20 per cent of total expenditure on research and development. The National Research Council and the ENEA have maintained some measure of stability, over a period of time, in their capacity to invest financial resources in research. The other research bodies have progressively increased their share of total expenditure, but this tends to be due to the establishment of new bodies. Within the enterprises, there have been changes of note both for private enterprises and enterprises with State participation. The increased commitment of the State as an entrepreneur has also been seen very clearly in the sphere of research. The development of public enterprises has further led to an increase in their expenditure on research and development, so much as that while it accounted for barely 8.5 per cent of overall spending on research in 1963, it has exceeded 20 per cent in recent years.

## 5. Public financing of research

402. In Italy there has been a shift in the earmarking of public finance for research as the State gave greater emphasis to supporting and encouraging R and D and technological innovation in public and private enterprises. While during the period 1963-1986 the Government's transfers of funds towards industrial research grew at an annual average rate (compound) of 26 per cent in real terms, in the 1980s this process increased noteably particularly in the case of public enterprises run with State participation. In 1963 State aid to R & D in enterprises accounted for barely 1 per cent of overall public financing for research; by the end of the 1980s it was nearing 8 per cent.

---